Republic of the Philippines

SENATE

Pasay City

JOURNAL

SENATE SITTING AS AN
IMPEACHMENT COURT
ON THE IMPEACHMENT TRIAL OF
VICE-PRESIDENT
SARA ZIMMERMAN DUTERTE

IMPEACHMENT TRIAL NO. 8
MONDAY, 20 JULY 2026

PREPARED BY THE
LEGISLATIVE JOURNAL SERVICE
SENATE OF THE PHILIPPINES

IMPEACHMENT TRIAL NO. 8
Monday, July 20, 2026

CALL TO ORDER

At 1:59 p.m., Monday, July 20, 2026, the Senate President, Hon. Win Gatchalian, with the Senate sitting as an Impeachment Court, called the impeachment trial of Vice President Sara Zimmerman Duterte to order.

PROCLAMATION OF THE SERGEANT-AT-ARMS

The Sergeant-at-Arms, PMGen Alfred S. Corpus, commanded all persons, on pain of penalty, to keep silent while the Senate is sitting for the trial of the Articles of Impeachment against Vice President Sara Zimmerman Duterte.

PRAYER

Senator-Judge Risa Hontiveros led the prayer, to wit:

Sa Ngalan ng Ama, at ng Anak, at ng Espiritu Santo, Amen.

Ama naming Diyos, pinupuri Ka namin, Panginoon ng langit at lupa, ang pinagmumulan ng lahat ng karunungan, katotohanan, at hustisya.

Sa Ebanghelyo ngayong araw, ipinaaalala sa atin ni Hesus na ang tunay na karunungan ay ipinagkakaloob sa mga may mapagpakumbabang puso.

Sa pagpapatuloy ng mga pagdinig o paglilitis na ito, hinihiling namin ang Iyong gabay. Ipagkaloob Ninyo sa amin—ang mga senator-judges, ang karunungan na matukoy ang katotohanan, pagpapakumbaba na makinig nang may bukas na isip, at lakas ng loob na gawin kung ano ang tama ayon sa aming konsiyensya at ang rule of law.

Palayain Ninyo kami sa pagmamayabang, prejudice, *at lahat ng klaseng impluwensiya na maaaring magpalabo sa aming paghuhusga.*

Nawa'y manaig ang katotohanan, katarungan, at ang kabutihang panlahat sa bawat desisyong aming gagawin.

Nawa'y ang Iyong Espiritu ay gumabay sa amin na maglingkod nang may integridad, katapatan, at pagmamalasakit, laging sinasa-isip na ang pinakamataas naming responsibilidad ay sa sambayanang Pilipino at sa katotohanan.

Hinihiling namin ang lahat ng ito sa pamamagitan ni Hesukristo.

Amen.

Sa ngalan ng Ama, at ng Anak, at ng Espiritu Santo, Amen.

ROLL CALL

Upon direction of the Senate President, the Clerk of Court, Atty. Renato N. Bantug Jr., called the roll, to which the following senator-judges responded:

Aquino, B.	Marcos, I. R.
Cayetano, A. P. S.	Padilla, R.
Cayetano, P. S.	Pangilinan, F. N.
Ejercito, J. V.	Sotto III, V. C.
Escudero, F. G.	Tulfo, E. T.
Gatchalian, W. T.	Tulfo, R. T.
Hontiveros, R.	Villanueva, J.
Lacson, P. M.	Villar, C. A.
Lapid, M. M.	Villar, M. A.
Legarda, L.	Zubiri, J. M. F.

With 20 senators present, the Chair declared the presence of a quorum.

Senator Go was also present.

Senators Estrada and Marcoleta were under detention and unable to attend.

Senator Dela Rosa was absent.

In accordance with the *Rules of Procedure on Impeachment Trials*, Senate President Gatchalian recognized the duly-elected Presiding Officer, Senator-Judge Francis "Chiz" G. Escudero, to preside over the proceedings of the Impeachment Court.

APPROVAL OF THE *JOURNAL*

Upon motion of the Presiding Officer, there being no objection, the Body dispensed with the reading of the *Journal* of the Senate sitting as an Impeachment Court on July 15, 2026 and considered the same as approved.

CALLING OF THE CASE

Upon direction of the Presiding Officer, the Clerk of Court called Case No. 004-2026, entitled "In the Matter of the Impeachment Trial of Vice President Sara Zimmerman Duterte."

APPEARANCES

The Presiding Officer directed the parties to enter their appearances.

Representative Gerville R. Luistro entered the appearances previously entered, on behalf of the Prosecution.

Atty. Michael Wesley T. Poa entered the same appearances on behalf of the Respondent.

MANIFESTATION OF SENATOR-JUDGE PADILLA

Expressing disappointment over media reports alleging that he failed to file his counter-affidavit in an obstruction of justice complaint before the Office of the Ombudsman, Senator-Judge Padilla clarified that he had duly filed the same, while pointing to the original copy in his hand.

He appealed to the Senate leadership to help ensure that Members are afforded the opportunity to explain their side before being publicly portrayed as having disregarded the law.

MANIFESTATION OF SENATOR-JUDGE TULFO (E)

Senator-Judge Tulfo (E) reminded the Members over the use of the Court's time to address personal matters unrelated to the impeachment case, stating that such issues should instead be tackled in the Senate media briefing room, through social media channels, or in other forums. Accordingly, he appealed to the Presiding Officer to strictly enforce the *Rules* by confining the proceedings to matters relevant to the impeachment trial, thereby avoiding unnecessary delays in the resolution of the case.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) asserted that issues affecting the integrity and credibility of the Members of the Impeachment Court are relevant to the proceedings, as they bear directly on public confidence in the Court. He maintained that Senator-Judge Padilla's manifestation merely clarified his compliance with the Office of the Ombudsman's directive, as evidenced by proof of filing through registered mail.

MOTION OF SENATOR-JUDGE SOTTO

Senator-Judge Sotto moved that the manifestations made by the Members be referred to the Senate sitting as a legislative body. The Presiding Officer stated that the motion would be acted upon at the proper time.

MANIFESTATION OF SENATOR-JUDGE PADILLA

Senator-Judge Padilla pointed out that the Oxford crimson robes worn by the senator-judges symbolize not only the impeachment trial of the Vice President but also the constitutional principles of due process and the equal protection of the laws for every Filipino. He explained that his earlier manifestation was intended to uphold the integrity of the Impeachment Court and its Members, emphasizing that no person should be prejudged without due process.

MANIFESTATION OF SENATOR-JUDGE PANGILINAN

Expressing his support to the earlier motion of Senator-Judge Sotto to refer the matter to the Senate as a legislative body, Senator-Judge Pangilinan recalled that during the Estrada impeachment trial, then Sen. Rene Cayetano had been allowed to make a manifestation regarding a criminal case allegedly being prepared against him. He stated that the Impeachment Court ultimately resolved to refer the matter to the Senate as a legislative body, thereby establishing a precedent.

POINT OF ORDER BY SENATOR-JUDGE CAYETANO (A)

Senator Cayetano (A) raised a point of order, stating that while the Presiding Officer ruled that the matter would be taken up later, Rule 6 of the *Rules of Procedure on Impeachment Trials* provides for the suppletory application of the *Rules of the Senate* and the *Revised Rules of Court* whenever applicable. He argued that under the Senate rules, a senator may rise on a question of personal or collective privilege when threatened or prevented from performing official duties. He proposed that the matter be discussed during a caucus.

Senator Pangilinan clarified that Rule 6 of the *Rules of Procedure on Impeachment Trials* refers to the suppletory application of the *Rules of Court* and *Rules of the Senate* only with

respect to evidentiary matters in impeachment proceedings and not to privilege speeches. He stated that in the spirit of liberality, the Court nevertheless had allowed a similar manifestation of Senator-Judge Cayetano (A) the previous week, but he cautioned against abusing such liberality.

RULING OF THE PRESIDING OFFICER

Presiding Officer Escudero ruled that the manifestation of Senator-Judge Padilla shall remain in the records, citing as precedent the matter raised by Senator-Judge Pangilinan, wherein the manifestation of the former Sen. Rene Cayetano during the Estrada impeachment trial was not expunged from the records of the Impeachment Court but also referred to the Senate as a legislative body for appropriate action.

The Presiding Officer appealed to the senator-judges to wait for the resumption of Senate sessions after the President's State of the Nation Address, at which time the senators would have the proper forum to raise concerns, discuss, and, if necessary, investigate allegations or grievances involving matters affecting them.

Senator-Judge Cayetano (A) corrected his earlier statement, clarifying that the communication was stamped, not sent through registered mail. He added that in view of the ruling, he would no longer pursue his argument on a provision related to Rule VI.

MANIFESTATION OF SENATE PRESIDENT GATCHALIAN

Senate President Gatchalian expressed appreciation for the ruling of the Presiding Officer to refer the manifestations and comments of the senator-judges to the Senate acting as a legislative body. He noted that the Senate would resume sessions in eight days, where such important matters could be further discussed.

He appealed to his colleagues to prioritize the proceedings before the Impeachment Court, emphasizing that the trial was only on its eighth day out of the 102 days allotted and that every hour and every second was valuable.

Senator-Judge Tulfo (E) noted that 26 minutes had been spent on the matter.

REQUEST OF PROSECUTION FOR THE ISSUANCE OF *SUBPOENAS DUCES TECUM* DIRECTED TO THE BANKS, AMLC, AND BIR

(*Continuation*)

The Impeachment Court resumed consideration of the prosecution's requests for the issuance of subpoenas *duces tecum* directed to the banks, the Anti-Money Laundering Council (AMLC), and the Bureau of Internal Revenue (BIR).

INQUIRY OF SENATOR-JUDGE VILLANUEVA

Senator-Judge Villanueva asked whether the Impeachment Court may grant or deny a motion in part depending on the legal and factual basis, rather than treat the motions as an all-or-nothing proposition, similar to the procedure in regular courts. In reply, the Presiding Officer clarified that the Court would separately decide on the two motions filed by the Prosecution, and would treat each as a single motion, regardless of the number of issues or sub-issues involved. He explained that as a passive body, the Court should not subdivide and separately vote on portions of a party's motion, as doing so would make it appear that the Court was acting as a party to the case. He stated that the senator-judges may consider all relevant factors in voting and explain their

positions accordingly. He further cited the impeachment trial of former Chief Justice Renato Corona, where then Senate President and Presiding Officer Enrile ruled that rulings on motions are indivisible and may only be appealed *in toto* and not in part.

Senator-Judge Villanueva clarified his concern that, in certain instances, a subpoena may cover persons or entities, such as a spouse or corporation, whose information may not be relevant or material to the case. He acknowledged, however, that the Court would issue one decision for each of the two motions filed by the prosecution.

The Presiding Officer clarified that the Court would issue one decision per motion but may grant the request in full, in part, or modify the relief sought.

QUESTIONS OF SENATOR-JUDGE VILLANUEVA

Senator-Judge Villanueva. May I start raising some questions, Mr. President, Mr. Presiding Officer, to the two parties, just for the guidance of the court?

And I think it's important that we distinguish between two separate procedural questions. *Una, kung dapat po bang i-*produce *ang hinihinging* records; *at pangalawa, kung ang mga* records *na iyon ay magiging* admissible, *at kung anong* evidentiary weight *ang dapat ibigay sa kanila.*

So, let me start by asking our lead prosecutor.

To our dear congressman, would it be correct, sir, to say that the issuance of a subpoena merely compels the production of records and does not, by itself, amount to a ruling that those records are admissible, relevant, and/or entitled to evidentiary weight, Your Honor?

The Presiding Officer Before the member of the panel for Prosecutors answers, he is not the Lead Prosecutor.

Senator-Judge Villanueva. Sorry.

The Presiding Office. The question is addressed to the Honorable Rep. Chel Diokno, who is part of the panel of prosecutors who will be answering your questions. And for the record, too, on the part of the respondent, I think it's Atty. Poa, who will be answering.

Mr. Poa. That is correct, Your Honor.

Senator-Judge Villanueva. Thank you, Mr. Presiding Officer.

The Presiding Officer. So that we don't need to identify each one each time anymore for the record.

Senator-Judge Villanueva. Thank you.

The Presiding Officer. The Honorable Diokno may respond to the question of Senator-Judge Villanueva. You may proceed, sir, when you're ready.

Representative Diokno. Thank you, Your Honor.

Good afternoon to all the members of this Honorable Court.

Naisagot na po yata iyan ni dating Presiding Judge Juan Ponce Enrile *doon po sa* Corona impeachment case, and if I may quote just a brief portion from what he said, "I would like to explain that the resolution of this Court was simply to authorize the issuance of a subpoena, and whether those evidence subpoenaed are admissible evidence, given the fact that they apparently appeared in violation of existing laws, is a question that must be resolved in due course."

So, *ang ibig po sabihin, ang hiling lang po ng* prosecution *ay mailabas ang ebidensiya. Pero wala pa po tayo doon sa punto kung tatanggapin ba nitong Hukuman ang* evidence *na iyon, kung siya po ay* admissible *o* hindi.

Senator-Judge Villanueva. *Maraming salamat po sa inyong tugon,* Representative Diokno.

Kaya ko po inilahad iyan nang sa ganoon ay maitanong po natin ang Defense panel. If that distinction is correct, would the defense still maintain that the mere issuance of a subpoena is, by itself, already prejudicial to the respondent even before the Court has ruled on admissibility or weight?

Mr. Poa. Yes, Your Honor.

Good afternoon, Honorable Senator-Judges.

Yes. While we agree with the position of the prosecution *na hindi pa naman pinag-uusapan ang* admissibility *sa puntong ito.* What we are questioning is really *iyong subpoena mismo po. Dahil sa atin, sa ating pananaw, ang isang subpoena—at hindi lang sa ating pananaw*, but even under jurisprudence—*mayroon pong* requirements *bago tayo makapag-*issue *ng subpoena para maging valid iyon subpoena na iyon. At iyon po iyong napag-usapan natin noong nakaraang linggo na* definiteness and relevance.

Ngayon, iyong twin requirements *na iyon, para po sa pananaw ng depensa, ay* lacking in this case and that is why we maintain our position as regards opposing *itong* request *ng* prosecution *sa pag-*issue *ng subpoena.*

Senator-Judge Villanueva. Well, at least *malinaw po—ang pag-*issue *ng subpoena* is not necessarily opening of records, *una; pangalawa,* to be presented in court; *at pangatlo*, to be admitted as evidence by this Court.

Before I go *doon sa* requirements, let me ask the panel of Prosecutors, *si* Representative Diokno, *doon po sa pananaw ng depensa* on alleged fishing expedition. Just for the guidance of senator-judges, this Representation would like to clarify one procedural matter. We understand that the concern raised by the defense, that the subpoena may be overly broad, and at the same time, we also recognize that the Court has a duty *naman* to determine whether the records being sought are sufficiently relevant and material to the issues before us.

So, Representative Diokno, *maaari po ba ninyong ipaliwanag kung paano ninyo tiniyak na ang hinihinging mga* records *ay hindi po simpleng paghahanap lamang ng posibleng ebidensiya o tinatawag na* fishing expedition, *kundi ito po ay mga partikular na dokumento na sa tingin po ninyo ay mayroon pong malinaw at direktang kaugnayan dito po sa mga* Articles of Impeachment?

Representative Diokno. Thank you, Your Honor.

Ang hinihiling po namin sa mga subpoena ay kaugnay sa Article II, which involves charges of unexplained wealth. *Kung titingnan po natin iyong mga* jurisprudence *pagdating sa* unexplained wealth, *klarong-klaro po na sinabi mismo ng Korte Suprema na kailangan makita iyong buong larawan, hindi lamang po ng mga* SALN *na pinayl* (file) *ng isang lingkod-bayan, kung hindi lahat ng kaniyang kinita*, both what we would call lawful and, if there is, illegitimate income.

Ang SALN *po kasi ay parang* snapshot *lang po iyan*, year-end, *kung ano iyong mga* assets, liabilities, and net worth *ng isang* government official. *Ang* ITR *din po ay parang* short *video lang po iyan ng mga transaksiyon ng isang* taxpayer *sa kabuoan ng taon na iyon. Makikita lang po natin iyong buong larawan pag nailabas natin ang mga* bank records. *Kasi doon po iyong* day-to-day *na lumabas at pumasok sa isang* account *ay mabubuo po natin.*

And in fact, in the case of *DOF-RIPS vs. Merencilla, ito lang pong* portion *ang babasahin ko. Sabing ganoon ng* Supreme Court: "The failure of the complainant to take into consideration respondent Rafael's net worth from the time he entered the government service and the failure to take into consideration all his possible sources of income in relation to his real and personal properties do not support the conclusion that he has unexplained wealth considering his true net worth was not determined." *Ito po ay, sabi ng* Supreme Court, "Ombudsman, *hindi n'yo nagawa iyong inyong trabaho.*" *Kaya ayaw po namin tumulad sa nangyari kay* Ombudsman *dito sa kasong ito*—we want to see the entire picture.

Kaya po namin hinihingi iyong BIR records, *pati iyong mga* bank records, and even the Anti-Money Laundering Council records, *para makita po natin iyong buong* story as far as both the assets, liabilities, and net worth are concerned, and the lawful, and if there is unlawful income, acquired by the respondent.

Senator-Judge Villanueva. Last question *sa* Prosecution:

Sir, *binanggit po kanina noong* Defense Panel *iyong* requirements which is, "should be relevant and specific," and, *kinikilala po natin dito sa Korte na iyong subpoena* is an important tool *na* available *po dito sa* Impeachment Court in the search for truth. *Pero, kinikilala din po natin na ang mga* records *na ating hinihingi ay may tinatawag na* statutory protection under our laws.

Now, in this regard, Your Honor, *bago po ninyo hiniling ang* compulsory production *ng mga* confidential records *na ito*, may we know what led the Prosecution to conclude that the issuance of subpoena is the least intrusive and most appropriate means of obtaining the information sought. In other words, Your Honor, *paano po ninyo masasabi na itong* subpoena is not only relevant but also necessary and proportionate under/ this circumstance?

Representative Diokno. Ang subpoena *po ang tanging paraan para makuha nitong Hukuman ang mga kinakailangan po natin na datos at impormasyon at dokumento. At hindi naman po siya* intrusive *dahil tulad ng nabanggit ko po kanina, hindi pa naman ito* question of admissibility. *Ang kailangan lang ay ma-*produce *sa Korte iyong mga dokumentong hinihingi.* The issue of admissibility will come later, and the Defense will have sufficient opportunity to object and to oppose.

Ngayon po, as far as the particular records that we are requesting are concerned, *ito ay nakabatay nga sa nabanggit ko pong* decision ng Supreme Court, *na 'pag tinitingnan natin ang* issue *ng* unexplained wealth, *hindi lang pupuwedeng* snapshot *ang titingnan natin. Kailangan mula sa unang araw ng paglingkod ng isang lingkod-bayan, iyong kanyang nai-*file *na* SALN, *lahat ng mga kinita niya ay makita natin.* And that will be shown both by the bank records that we are requesting to be produced, as well as the BIR and tax records that we are requesting.

Senator-Judge Villanueva. Thank you, thank you very much.

Sa Depensa po, binanggit ninyo ho kanina ang relevance, and if I recall it right last week, the good gentleman, Atty. Poa, made mention about the questions on confidentiality, Sir. And this representation would like to better understand the legal basis of the Defense' position on confidentiality.

We recognize that the law places a premium on protecting confidential information. At the same time, we/ are also dealing with a request made in the course of a Constitutional proceeding before this Impeachment Court, *at bilang mga* senator-judges, it's our constitutional duty to try and decide on impeachment cases.

Mr. Defense Counsel, *iyong* Section 8(a) of the Anti-Money LaunderingAct, *binanggit n'yo po ito* last time, which prohibits the disclosure of confidential information. How should this apply to records sought through a *subpoena* issued by the Impeachment Court? Because, as I read, Your Honor, Section 8(a), it imposes confidentiality, but it does not expressly create an absolute privilege against the *subpoena*. There is a distinction between an authorized disclosure and production/ pursuant to a lawful order of a constitutional body.

So, again, my question, Your Honor, where exactly in Section 8(a) does it say that AMLC may refuse a lawful subpoena from this Court, Your Honor?

Mr. Poa. Thank you for that question, Your Honor. *Unang-una, sagutin ko lang po iyong* pretense *ng inyong tanong.*

Sabi ninyo, this is a constitutional body, *hindi po ba*? And, as we all know, there is an old legal maxim that "the spring cannot rise over the source." *Ibig sabihin po noon*, while the Impeachment Court is a constitutional creation, it cannot go up over and above the Constitution itself. And when we talk about the Impeachment Court under Article XI, we cannot read that in isolation. We have to also give due regard for all other provisions of the Constitution, specifically the Bill of Rights, *kung saan,* due process *ay isang bagay na nakatatak po doon at ipinapakita doon. Ano ba ang ibig sabihin ng* due process? Due process is, *kasama po, kalakip ng* due process *ay ang bawat nasasakdal ay meron ding pribilehiyo na ma-*protect *o maproteksiyonan ng mga batas na isinagawa ng mismong Kongreso.*

So, now, let's go on to Section 8 (a). As you can see, Your Honor, that is an act—at least for our position—it's an absolute prohibition. Unlike other laws where they created, for example,

in the Bank Secrecy Law, *merong nakasulat doon, aaminin natin*, in cases of Impeachment, is an exception. *Pagdating po diyan, wala po ni isang* exception. It could have been easy, especially since this is a 2021 amendment, could have been easy for Congress to have cited impeachment as an exception, if it did actually wish to do so. But it did not, Your Honor. And it is our position that if we were to compel and issue a subpoena against these AMLC records, we're actually compelling the officials to violate this very section of the law. And that is why we are saying *na pagdating sa* 8(a), absolute *po iyan*, It does not say that there is any exception if any court processes are actually issued to compel the production of these documents, precisely because *ang nasa loob po kasi ng mga* record *ng* AMLC are intelligence, and that's why it's confidential. And once AMLC determines, that they find out that certain transactions are subject to money laundering or should be actually filed in court, the end result is the complaint itself and not the raw data. And that is why, Your Honors, as to the raw data or the information that they received, *iyan po ay* strictly confidential under 8(a).

Senator-Judge Villanueva. Thank you for that. Again, I would like to put on record that I was trying to look at that particular section, Section 8(a), and I don't see anything that says this Court would not have any prerogative as to whether or not we can subpoena bank records.

But let me move forward. Perhaps this could be my last question, Your Honor, Mr. Presiding Officer.

The Constitution recognizes two equally important principles: Confidentiality, on one hand; and the freedom of information—it promotes transparency and public accountability—on the other.

So, Atty. Poa, *gusto ko lang pong malinawan*, for the benefit of this representation and our dear colleagues here being senator-judges, *may* legal distinction *po ba* between disclosure of information to the/ general public and the limited production of records solely to this Impeachment Court in the exercise of its constitutional function? Because we understand that the principle of freedom of information is rooted in transparency and public accountability, especially *po* when the conduct of a public officer is under constitutional scrutiny.

Now, if confidentiality is the concern, would you agree, Atty. Poa, that this Impeachment Court can impose safeguards on the use and disclosure of the records? *Kung maaari naman po na magpatupad ang* Impeachment Court *ng sapat po na* safeguards *upang mapanatili ang* confidentiality *ng mga* records, *bakit po dapat maging hadlang ang* confidentiality *sa isang* Impeachment Court *upang suriin ang mga impormasyon na maaari nga pong may kinalaman sa mga isyung nararapat nitong resolbahin bilang isang* Impeachment Court?

Mr. Poa. *Para sa atin po, kung ano man pong hakbang ang puwede o hindi puwedeng gawin ng isang* Impeachment Court *tulad ng nasa harap natin ngayon,* it must be confined to the limits imposed by the Constitution and the laws. So, *kahit sabihin po natin*—you know, we are not against transparency, I just want to make that clear, Your Honors, we are not against accountability. But again, as I've mentione last year, last week rather, *hindi naman porke't po* that we are all looking for accountability and transparency *ay isasantabi na lang po natin kung ano ang mga karapatan? Hindi lang para sa* impeachable officer *pero para kahit sinong Pilipino na nakasaad sa batas*, including absolute confidentiality in terms of AMLC reports, which you are pointing to.

So, *para po sa atin, nakikita ko iyong punto po ng ating Hukom na papaano kung mag*-impose *na lang tayo ng* certain conditions. However, Your Honors, those certain conditions may be allowed, for our records, *pero pagdating sa* AMLC *po*, absolute *po kasi iyong* prohibition.

And if we were to amend or at least suspend the provision of 8-A, then it is as if this Honorable Court is actually doing some sort of judicial legislation, because we are technically suspending this law for a specific person *na hindi natin puwedeng gawin sa iba.*

That is why, *ang sa akin lang po, ang sa amin sa punto ng Depensa* is, *papaano po iyon? Mayroon po bang* instances *na papayagan na lang natin, isantabi natin iyong batas at merong* instances *na hindi*?

I think, Your Honors, we feel—the Defense feels—Your Honors, that in the search for truth, transparency, accountability, we must still work within a framework, which means that we must work within the limits imposed by the Constitution, the laws, and the rules of the land.

Iyon lang po, Your Honors.

Senator-Judge Villanueva. *Salamat po*, Attorney.

Mr. Presiding Officer, just a few seconds, just to put on record.

Ang Senado po ay nasa Plenaryo na po, iyong proposed BRIGHT Act *natin, na maraming sumuportang mga kasamahan natin. Kasama po dito iyong* amendments to AMLC, to put in black and white these circumstances, under which bank records—financial transactions—may be lawfully accessed by competent authorities, subject always, of course, Mr. President, to appropriate safeguards and due process.

So, *gusto ko lang pong banggitin* that, indeed, confidentiality is an important legal protection, *pero hindi din po ito dapat maging dahilan naman para manatiling mailap po ang pananagutan.*

Ang mabuting batas ay kayang pangalagaan ang privacy *nang hindi po nasasakripisyo ang* accountability. Our laws must be able to protect both, Mr. President, Mr. Presiding Officer.

Maraming salamat po, Ginoong Pangulo, maraming salamat po, our Counsels. Thank you.

The Presiding Officer. Thank you, Senator-Judge Villanueva. Your remarks and responses thereto are duly noted and entered into the records. Senator-Judge Pia Cayetano is next, I believe.

You may proceed, Ma'am, when you're ready.

QUESTIONS OF SENATOR-JUDGE CAYETANO (P)

Senator-Judge Cayetano (P). I'm ready to proceed, Mr. Presiding Officer.

I'd like to start this discussion with a question that, hopefully will allow our *kababayans* who are watching and listening to understand the situation. Of course, I pose it also to the parties.

If the government had in mind that there's a business and, of course, particular businessman or businesswoman who is violating a lot of laws pertaining to the operation of their business—be it customs law, BIR, regulations—can they just proceed and *puwede ba silang basta na lang mag-*request *ng dokumento o mag-*file *ng kaso na* requiring the businessman and the corporation to produce those documents? *Pwede ba*? So *iyon ang pag-isipan natin kasi iyon ang tanong*, similarly. *Ginagawan ko lang ang ibang* analogy *para maintindihan ng mga kababayan natin.*

So this is the essence, dear colleagues, parties, of the principle of due process. This is ingrained in our Constitution. *Totoo po na may karapatan ang gobyerno at obligasyon ng gobyerno patakbuhin nang maayos ang gobyerno.* But it's always with due respect to the rights of every individual Filipino—that is, the right to life, liberty, and property. So *bago mo sagasaan iyong* right to life, liberty, and property, *siguraduhin mo lang na may basehan ka. 'Yun lang naman ang sabi.*

So of course, *ako, gusto ko talaga na maayos ang patakbo ng gobyerno, para* if somebody's life is also in danger, then government has to step up and prevent somebody's liberty. *Kasi nga, sinasagasaan niya iyong* life and liberty *ng ibang tao*. So it's a balance, *'no*? I think we can all agree it's a balance.

So, I want to go straight into a landmark case, and I will ask both parties for their legal opinions on it. Kasi it's a legal proceeding. *Pero gawin n'yo lang simple para hindi masyadong* complicated *para sa mga nakikinig sa atin.*

So, in a landmark case of *Stonehill v. Diokno*, 1967 *pa po ito—karamihan noong mga* lawyers *hindi pa pinapanganak*—the importance of due process was highlighted, and the Supreme Court discussed two points: general warrants are void. *Sabi ng* Supreme Court, "a warrant must be issued on probable cause for one specific offense and must particularly describe the thing being seized." So, *kailangan* particular *ang* description *doon sa* warrant. "Warrants that leave it to the discretion of the officer serving them to decide what to seize, or general warrants are outlawed by the Constitution because they place the sanctity of the home and privacy at the mercy of prosecutors." So *sinabi dito na kailangan* specific.

Take note, warrant *ito ha,* subpoena *naman ang pinag-uusapan natin, alam ko po iyon, pero* I'm pointing it out *kasi ang magiging tanong ko* later on is *kung* relevant *ito sa kaso*, okay?

The other principle that was established in *Stonehill v. Diokno* was the Exclusionary Rule. "Evidence obtained through an unconstitutional search is inadmissible for any purpose in any proceeding. *Ito po 'yung tinatawag na* "the fruit of the poisonous tree." *'Pag nakuha mo iyong* information *doon sa bawal na paraan, kung ano iyong* information *mo, bawal ipakita iyon.*

And this is where I need to get guidance from the Presiding Officer, if I'm allowed—I don't have to name names—to share the discussion that we had in caucus *para lang mabanggit ko na ito iyong mga* provisions of law *na napag-usapan.* Am I allowed to do that? Would you like me to approach you? Please let me know because I will abide.

Basically, because *ang nangyari* is we had our own discussion, and I want to mention the provisions of law that we discussed. I don't have to mention names.

The Presiding Officer. The lady may proceed.

Senator-Judge Cayetano (P). Okay, thank you.

So, *tungkol dito sa* Exclusionary Rule, *ulitin ko*, "fruit of the poisonous tree," *doon nga sa aming* very open discussion, and I thank many of our colleagues who were very—I think we engaged in a fruitful discussion, for some, not for all, I think *iyong iba talagang gustong makipagdebate at didebate, kasi gusto ko rin matuto*—I think all of you will attest *na* I also wanted to learn from all of you *kung ano iyong* perceptions *n'yo sa batas, kung ano din iyong sinasabi ng mga abogado ninyo.*

So *doon sa* "fruit of the poisonous tree," *sabi ko, kung iyong pinanggalingan ng mga dokumento ay bawal na kunin nang basta-basta*, then *paano mo gagamitin*? And *meron kasing* observation *na lumabas na kasi iyong* documents *na iyon sa* House, so, *nakita na ng publiko sa* House. So *sabi ko, pero* if I will look at—and this is where I will pose the question to all of you, *'no, medyo* layered *eh*, so *pasensya na sa medyo* complicated—*iyong isang* concern *ng* Defense *na nabasa ko* is that *hindi nag*-allege *ng* ultimate facts. *Hindi klaro kung ano iyong naging kasalanan, at hindi na*-identify *nang maayos itong* facts *na ito* that led to a conclusion of law. So *wala daw iyon.*

Later on I will ask both parties again to also clarify that. But the point is, *kung walang basehan iyong paglabas noong ebidensya na 'yun*, it is "the fruit of the poisonous tree," then you cannot use it.

So *iyon 'yung importanteng importante dito*, kasi I'm sure *nakita n'yo na sa korte, kahit sabihin n'yo pong sa mga* legal drama *na to*-throw out. The case is thrown out because *na*-violate *ang* due process. So that's the discussion I want to have.

I want to hear both, *ha. Wala akong akong kinikilingan dito.* I'm just explaining *na iyon iyong* argument *ng* Defense, *na walang* due process, *kulang*; *at* why, Prosecution, would you say *na nasusunod iyong* due process.

And before I give the Floor to the parties, *iyong sinabi kong kaso na Stonehill v. Diokno*, very interestingly involves the esteemed father of our colleague, Congressman-Prosecutor Chel Diokno.

Senator-Judge Cayetano (P). In the case of *Stonehill v. Diokno*—the father of Congressman Diokno was the Secretary of Justice—and in this case, the government, through the Secretary and other prosecutors, suspected that Harry Stonehill and his associates, and several corporations that they controlled, were violating central bank laws, tariff and customs laws, the Internal Revenue Code, and the Revised Penal Code. So, *nag*-request *sila* ng issuance of a search warrant *at ang gusto nilang tingnan* is books of accounts, financial records, vouchers, receipts, ledgers, et cetera, and other documents showing all the business transactions.

Stonehill and the other petitioners filed a petition before the Supreme Court arguing that the search warrants were general warrants because they did not particularly describe the things to be seized. So, general *pa pala iyon*—books of accounts, financial records, receipts—general *pa pala iyon.* And the Supreme Court ruled that, indeed, general warrants are void. Warrants must be based

on probable cause. *Nasabi ko na iyon, ano?* And then the case also adopted the exclusionary rule, holding that evidence seized under an unconstitutional warrant is inadmissible. So, I now pose my questions: applicable *po ba ang kaso na ito, Stonehill v. Diokno*, as far as the prosecution is concerned, and then also for the Defense, applicable? Take note, I have read most of the pleadings, well, all of the pleadings, *mahahaba sila.* I kind of know your answer, but *sa dami,* I'd like to hear it again, and I think, of course, *karamihan ng kababayan natin* did not read it. So, explain *natin sa kanila,* because this is a landmark case. *Kung ikaw ay* law student *na magba*-bar, *ito iyong mga kasong titingnan mo.* So, *malay mo, matanong iyan sa* bar, so, *nakatulong man lang tayo doon sa mga* bar students *na maliwanagan sila, baka mamaya* trick question *ito.* Is it applicable or not? That is my question. I will sit down, and then I will come back for my next.

Thank you.

Representative Diokno. Thank you, Your Honor. If I may be recognized?

The Presiding Officer. The member of the Panel of Prosecutors may proceed to give his answer, and thereafter the Counsel for Respondent may do so as well.

Representative Diokno. *Iba po ang konteksto ng* search warrant *na naging* main issue sa *Stonehill v. Diokno. Sa konteksto po natin na* subpoena *ang pinag-uusapan, ang* search warrant *po, ang* governing law *po diyan ay nasa* Bill of Rights *natin,* Article III, Section 3. *At kaya siya nandoon, dahil* very invasive *po ang* search warrant. *Kapag ang isang* judge *ay nag*-issue *ng* search warrant, *puwedeng pasukin iyong opisina o iyong bahay ng* person involved, *puwedeng halungkatin iyong lahat ng mga gamit niya doon sa kanyang opisina o sa kanyang bahay. Kaya po naglagay ng maraming limitasyon ang ating Konstitusyon dahil marami nang pang-aabuso, marami nang mga halimbawa ng pang-aabuso na nangyari kahit noon pa. Iba po ang pinag-uusapan natin ngayon. Ang pinag-uusapan natin ngayon ay* subpoena. *Hindi po ito* license to enter an office or to search any place. *Ito po ay mismong humihiling lang ng mga dokumentong nakasulat sa loob ng* subpoena. Therefore, the contexts are very different. When we speak of a search warrant, I do agree there should be very specific limitations on how that warrant can be enforced. *Pagdating naman po sa* subpoena, *mayroon din po iyan,* but that is not governed by the Constitution. It's governed by Rule 21 of the Rules of Civil Procedure, which basically provides that for a subpoena to be valid, it must be relevant and it must be definite. *Ibig sabihin po sa* relevance *ay may kinalaman, o may kaugnayan iyan sa mga kailangan patunayan na mga* facts, *at pagdating naman sa* definiteness *ay klaro kung anong mga iba't ibang dokumento ang hinihingi.*

In our case, we respectfully submit, Your Honors, that we have met both the standards of relevance and materiality. The BIR records, the bank records, and the records of the Anti-Money Laundering Council are relevant to the facts in issue pertaining to the charges of unexplained wealth. *Hindi po natin malalaman kung talagang mayroong* unexplained wealth *ang* Vice President *kung hindi natin mabubuksan iyong kanyang mga* bank records, *kung hindi rin natin makikita at mailalatag ang* Anti-Money Laundering *at* BIR records *po nila.* And insofar as definiteness is concerned, we have specified the particular documents that we are requesting, and we have included as well an explanation of why those are important. *Kaya sa aming pananaw po ay* we have satisfied the requirements for a *subpoena duces tecum.*

Thank you.

Senator-Judge Cayetano (P). Mr. Presiding Officer, before we recognize the Defense, just a quick follow-up question. *Bigyan ko ng* time *na bulungan muna siya ng kasama niya.*

Representative Diokno. I'm sorry, Your Honor.

Senator-Judge Cayetano (P). *Okay na kayo?* No, it's okay.

The Presiding Officer. Senator-Judge Pia, would you like the Counsel for the Respondent to answer?

Senator-Judge Cayetano (P). Not yet, Mr.—

The Presiding Officer. Not yet?

Senator-Judge Cayetano (P). My request was I'll just ask a follow-up question.

The Presiding Officer. You may proceed, Ma'am.

Senator-Judge Cayetano (P). Thank you for that. I appreciate His Honor's response. May I simply point out, and again, please give me your explanation. *Tama po iyong pagkabanggit ninyo na iyong* nature *ng* search warrant very invasionary, *'di ba?* Because it requires that *pasukin iyong bahay, halughugin iyong gamit, pero hindi kaya* invasive *din iyong paghalughog ng* records? Is that not extremely parallel? I mean, is it not very similar in the sense that what is being questioned now is the very essence of somebody's savings and earnings? Which we have to agree. I think there's no doubt that that is protected, but in fact, his Honor is saying that it would fall under the police power. So, *imbes na papasukin mo sa bahay na nandoon iyong mga dokumento,* you will do the same by asking these agencies—whether it is the BIR, the banks, or AMLC—to now reveal these documents. So that's my question. Is it the point of view of the Prosecution *na iba iyon? Hindi ba* invasive *iyon? Kayo ang gumamit ng* word *na* invasionary, but I'll use invasive? Anyway, please answer and then we will give the Floor to the Defense, Mr. Presiding Officer.

The Presiding Officer. Counsel for the Panel for Prosecutors may answer as he pleases.

Representative Diokno. Thank you, Your Honor.

Representative Diokno. *Iyon pong* search warrant, k*ung ano man ang makuhang ebidensiya doon ay direktang binibigay po iyon sa* court, and that is now considered as evidence by the court that issued the search warrant. *Iba po ang* subpoena, *dahil kapag naglabas ang isang hukuman ng* subpoena, *itong mga* records *ay hindi po siya* considered yet as evidence. *Iyan po ay ipo-*produce *lang, dadalhin lang po sa korte,* and now it is up to the parties, and I refer to both parties, to decide which of those documents may be relevant in terms of the evidence that they need to present. *Iyon pong nakikita po natin sa* subpoena, it is not in any way invasive. Because, as I mentioned earlier, and as pointed out by Senator Enrile when he was the presiding officer in the Corona trial, we are simply having those documents produced. The admissibility of those documents will only be determined after, if offered by the parties. *Kaya po, sa aming mga pananaw, ay malaking-malaki ang pagkakaiba ng* search warrant *sa* subpoena.

Mr. Poa. Your Honor, may I be recognized?

The Presiding Officer. With the permission of the lady Senator-Judge, Counsel for the Respondent may now give his answer to her query. You may proceed, Sir.

Mr. Poa. Thank you, Your Honors.

Your Honors, *ang posisyon po ng Depensa dito ay* subpoena and a search warrant are very much similar, and both are compulsory processes. So, yes, *hindi tayo papasok sa bahay ng isang tao o ng nagsasakdal,* but it will be intrusive because we will be opening up all the financial transactions for—*sabi nga dito—* almost 20 years of the Respondent. *Kaya po, katulad ng isang* search warrant, the things that we are asking for through a subpoena must be particularly described. *Kanina po, nabanggit po ng aking kagalang-galang na* Opposing Counsel *na* particularly described *na po iyong kanilang naisulat.* However, the Defense does not agree with that proposition because if you look at it, *tama naman po, nakasulat po dito na ang hinihingi nila ay* account opening and maintenance records, KYC documents, information files, signature cards, all account and transaction records, ledgers, journals. Basically, Your Honors, this is everything. *Ibig sabihin, ini-*specify *lang nila ang nilalaman ng lahat ng* bank records *ng* Respondent. So, in our view, Your Honors, while they took pains to specify each and every document, the truth of the matter is, they are asking for everything. *Ngayon, pagdating sa* subpoena, and even in the case they cited, iyong *Roco v. Contreras, nakasulat po doon* that for a subpoena to be validly issued—when we talk about particularly describing *kung ano iyong hinihingi*—iit has to be evidenced that is both relevant and material. So, *ang tanong namin, saan ba dito iyong* relevant or material? *Kasi lahat na po ng* records *hiningi.* So—and this bolsters our theory, of course, with all due respect to the opposing side, *na kaya namin tinatawag o kaya namin natawag na* fishing expedition ito, *kasi lahat na ng* records *hiningi, pero hindi naman matukoy* which would actually be relevant, which would actually be evidentiary to the accusations they've made under the Articles of Impeachment. So, *pero dito, hinihingi natin* 20 years' worth of records, and then *papaano po iyon hihimayin natin? Maghahanap tayo ngayon kung may* relevant *o wala?* Which brings me back to *iyong* BIR records. *Naka-*seal *po iyong* box. So, I would

say both parties *hindi natin alam kung anong nasa loob noon.* Yet we're hoping *na* somehow, *kapag nabuksan ang* box *na iyon, mayroon po tayong makikitang ebidensya.* And that's why again, with all due respect, we called it a fishing expedition, *kasi hindi naman na*-identify *kung ano mismo doon iyong puwedeng ebidensya laban sa sinasabing mga* unexplained wealth *umano ng Bise Presidente.*

So, with the question, for us, yes, the Stonehill case, *Stonehill v. Diokno* directly applies to the current proceedings. *Kasi nga po doon, sinasabi talaga na dapat* specified *iyong hinihingi,* particularly described and relevant. But as of this point, they're asking, Your Honors, for all of these things. And again, while they specified each and every document, *kung babasahin n'yo po nang mabuti ito,* they're actually asking for all bank records, without, in fact, telling us which transaction is relevant to their accusation, which transaction will actually support their accusation. *Iyon po ang aming pananaw dito sa tanong ng ating Kagalang-galang na Hukom.* Thank you *po.*

Representative Diokno. Your Honor, please, may I be allowed to respond?

The Presiding Officer. Hold on. Hold on, Counsel for the Panel for the Prosecutors. Senator-Judge Pia is the one asking the questions. Unless it's not a debate between the two counsels. You are merely responding to answers from questions by senator-judges.

Senator-Judge Cayetano (P). I actually prefer not, *pero alam mo na, baka sabihin naman na may* bias *tayo. Kapag hindi ko naman pinayagan, mamaya,* I—I defer to—

The Presiding Officer. Senator-Judge Pia, you asked the question, they answered. It is not for the opposing counsel to answer points raised. They had that chance when they did their oral arguments, rebuttal, and surrebuttal.

You may proceed with your question, Senator Pia.

Senator-Judge Cayetano (P). *Sige.* My question is, what is your question? Or what is your comment? Go ahead. Keep it brief.

Representative Diokno. Thank you so much, Your Honor.

I just wanted to point out that this is the first time actually an Impeachment Court is faced with the challenge of determining whether the charges of unexplained wealth are valid or not. *Ang* previous *Corona* case, *hindi po pinayagan ng* Impeachment Court *iyong* Article 2.4 *ng* Article II, *at kung ang magiging batayan po natin ay iyong naging mga desisyon ng ating Korte Suprema, sinabi mismo ng* Supreme Court in several cases *na kapag ang usapin ay* unexplained wealth, *kailangan makita iyong kabuuan ng kinita ng isang lingkod bayan at iyong mga dineclare niya sa* SALN. Just to quote, just a very short portion, *sabi ng* Supreme Court, from the same case cited earlier, "The Ombudsman whose failure to account for all lawful sources of income including proceeds from business ventures and government benefits further weakens the allegation that Rafael's wealth was unexplained. The incomplete assessment disregarded his accumulated assets over decades of public service, making it impossible to determine whether his property acquisitions exceed his legitimate financial capacity." *Hindi lang naman po dito sa harapan nitong Hukom na ginagawa iyong pagtingin sa kabuuan ng isang lingkod bayan.* The Supreme Court has done it in this case where they looked at decades of the financial records of the person charged with unexplained wealth, and it has also happened in the cases of *Rabusa* and *Ligot,* which were decided recently by the Honorable Court. Thank you.

Mr. Poa. Your Honor, may I at least be given just one minute to respond to that, Your Honors? But of course I will submit to the pleasure of Senator—

Senator-Judge Cayetano (P). Of course, I yield.

The Presiding Officer. I give you the same opportunity, I'm assuming.

Mr. Poa. Yes, Your Honors. Again, *hindi ko po tinutuligsa o ino*-oppose *iyong mga na*-mention *na* case *ng aking* distinguished Opposing Counsel. However, those cases do not involve impeachment. And why is that relevant? Because an impeachment, as we have said, *mayroong* allegation *ng* unexplained wealth, *pero wala naman pong nakasuporta na mga* documents *para makita natin ano ba iyong* basis *na naging alegasyon. Pangalawa po,* again, an impeachment,

according to the case of *Duterte v. House of Representatives*, *mayroon po tayong tinitingnan kung ano ba talaga ang* impeachable offense. *At iyon po ay*, again, offenses or acts or omissions committed while the public officer is occupying the impeachable office and in relation to such office. That enough, Your Honors, is very clear under the decision. That is all, Your Honors.

The Presiding Officer. Thank you, Counsel for Respondent.

Senator-Judge Pia, you may proceed.

Senator-Judge Cayetano (P). Mr. President, Mr. Presiding Officer, I'll go to my next point, but it will kind of a overlap with this point as well, so, bear with me.

My next point, Mr. Presiding Officer and parties, is still, is still on due process. This is the requirement that every pleading must allege ultimate facts and must not contain conclusions of law. So, again, I'll start with an example. If, for example, if there is a case filed, *'no*, and, *sabi, si* "Juan one robbed the house of Mario." So, *para maintindihan ng mga kababayan natin,*"Juan robbed the house of Mario." That is a conclusion of fact, *nangyari na daw' yun.* And if there's another allegation that says, therefore, Juan is guilty of robbery, that is a conclusion of law. So, again, I try my best not to be technical. It's in my—I would have wanted to be a teacher if not a lawyer, so, I do like to be able to explain things well. So, *ang hinahanap dito* is *bakit mo—gusto mong patunayan ang* facts *mo. Iyon ang kailangan sa* ultimate facts. *Kailangan mong patunayan bakit mo sinasabing* "Juan robbed the house of Mario." *Sasabihin mo ang* ultimate facts *diyan,* example, is, *si Juan ay nakita doon sa* vicinity *ng bahay ni Mario, tapos itong si Mario, narinig na nagsisigaw na ninanakawan kami,* whatever. *Tapos, mayroon siyang testimonya na ano iyong nawala sa kanila, tapos may nakakita na kamukha ni* Juan *iyong nandoon, tapos namukhaan nila, na*-describe *nila na* 5 feet 10, *medyo mapayat, ganoon.* So, *iyon ang mga* ultimate facts *na* later on *sa* evidence, *patutunayan.* It's just very general. And then later on, *para nga mapatunayan iyong* robbery, *i-a*-allege *ngayon iyong* elements of the crime that constitute robbery. So, *noong hindi pa ako abogado, hindi ko naman alam ang* difference ng robbery and theft. *Iyong* robbery *kasi* qualified *iya*n. So, *pumasok siya sa bahay* using violence. That's what makes it robbery. So, *kailangan i*-allege *iyon.* Sorry to be a bit technical, *alam kong iyan ang* phrase of the day, let's not be technical, phrase of the week, phrase of the month, but we have to be able to explain these things in a way that people understand, without forgetting that these are our rights of the defense and rights of the person who is being tried here, and *kailangan maliwanag iyong ating mga* accusation.

So, my question now goes to both the Prosecution and the Defense. I know that the Defense, in their answer, questions the failure of the complaint or the articles to allege ultimate facts and, therefore, I think they filed a case before the Supreme Court. I'll give you time to answer, because I don't really recall that I heard it mentioned in the oral argument.

Senator-Judge Cayetano (P). So, again, with the permission of the Presiding Officer—*papasadahan ko lang naman—na nabanggit ko iyon na nandiyan iyan sa* memorandum, *pero hindi ko naalalang*—I'm just speaking naman for myself *kung ano yung sinabi ko dun sa aming* meeting—*na hindi ko naalalang nabanggit. Baka naman ang sabi, hindi ko lang naalalang na*-emphasize, *kasi nga* limited *yung* time. But I do recall that it's in the Answer, and then it's also in the memorandum.

So *pinu*-pursue *niyo pa ba ito? Kasi,* me, as a judge, *importante ito. Kasi paano ba dedepensa nang maayos kung hindi nga nag*-aallege *ng* ultimate facts that go into the case?

And then, for the Prosecution naman, may I ask you *kung saan*—without—because *bawal ho na tanungin ko* for you to state your case. I cannot do that, but what I'm asking is if you can point out *sa inyong* Articles, *kung saan doon ang* allegations of ultimate facts? *Kasi* public document *naman yan,* eh. *Para lang ma-aral ko na asan diyan yung* allegations *ninyo* of ultimate facts.

And this is where—before I pass the Floor to the parties to answer—I want to go into the principle of a fishing expedition. *Nagkataon na* I came across the trial that we had for former Chief Justice Corona, and *lumabas ang issue na iyon, na sabi ko "Eksakto. Ito iyong pinag-aaralan natin* for today." *Iyong* fishing expedition, and no less than the defense had to explain it in Filipino *kasi sabi, baka hindi alam yung ibig sabihin ng* fishing expedition. *Pangingisda ba daw iyon?*

Parang hindi naman daw yun yung translation. *Pero ito iyong naghahanap ka, naghahagilap ka ng ebidensya kasi wala kang ebidensya.*

So, I'll go back to a case, and *isama ninyo ito sa* response *ninyo doon po sa kasong Afulugencia vs. Metrobank* in 2014. *Humingi dito ang* petitioner *ng* Motion for Issuance of *subpoena duces tecum* and *ad testificandum, at sinabing padala daw ng* documents relative to their loan to Metrobank, as well as those probing ... foreclosure. *Sabi ng* Supreme Court, this is tantamount to building their whole case from the evidence of their opponent. *Bawal daw iyon. Hindi daw pwede na yung kaso mo nakabase lang doon sa sasabihin mo dun sa kabila. "Ilabas mo nga lahat ng meron ka diyan."* No—your case has to be built. *Iyong* evidence *mo* has to be there. So, I will also ask both parties, is that jurisprudence relevant to this case—for the prosecution and then also for the defense?

And then let us, uh, also include a discussion on why this is or is not a fishing expedition. *Iyon nga, napakaimportante po kasi ito dahil* it is ingrained in a complaint *na ang* allegations *mo* ng ultimate facts, *mapo*-prove *mo ngayon iyon* with the evidence. *Hindi puwede na wala kang ebidensya, hihingin mo lang nang hihingin* by way of *subpoena*. Clear *po iyon sa batas. Kaya nga gusto kong ipaliwanag ninyo sa akin*—educate me—why this applies, why this is not a fishing expedition, why the case I cited does not apply? Because I assume that's the position of the prosecution. And then, for the defense, *ano naman po ang posisyon ninyo?*

Salamat.

The Presiding Officer. The counsel for respondent will give his answer first with respect to the question of Senator Judge Pia on ultimate facts as well as on fishing expedition. Thereafter, counsel for the panel of prosecution.

You may proceed, Sir, when you're ready.

Mr Poa. Thank you, Your Honor.

Pagdating po doon sa sinasabi namin na lack of ultimate facts, *ito po ay nagsimula pa lang doon sa* Committee on Justice when the impeachment complaints were filed. Because the allegation—and I'll stick just with this, I believe, Article II—*pagdating po kasi doon,* there was an allegation of unexplained wealth, *pero wala pong nakasulat kung saan nila nakuha; ano yung basehan nung* unexplained wealth na yun; *ano yung act na ginawa ng Bise Presidente; kailan yun ginawa, at sa amin, para masabi nilang nagkaroon ng* unexplained wealth?

Ang basic, if I may remember, was really just the fact *na iyong* SALN *niya ay lumaki* from 2007 to 2025, which *sa aming palagay*, does not show any factual allegation whatsoever, except for the fact that it grew bigger over a span of 20 years.

Pangalawa, wala rin pong naka-attach, which I mentioned in the oral arguments last week, *na kahit anong ebidensya*, or *kahit* supporting document *man lang—huwag na nating tawaging ebidensya*—supporting document that will support any allegation whatsoever of unexplained wealth. And that is why *nabanggit ko rin na* after the allegations were made—and this is even more significant—after the respondent had filed her Answer, *na tinawag pa nga nilang* non-Answer, *doon lang po naghanap ng mga ebidensya na sakaling makasuporta doon sa alegasyon na iyon.*

That's very important for us because we had already filed her Answer before AMLAC documents were suddenly produced through the issuance of subpoenas before the BIR box that we are concerning ourselves with was presented before the Committee on Justice. *Na sa panahon na iyon, tapos na po kaming sumagot.*

In fact, when they were saying that it was a non-answer, to be very candid with everyone, we wanted to say because it was a non-Complaint, *kasi wala ngang* ultimate facts *na naka*-alleged for us to even answer.

Now, before this Honorable Court, I do recall that in our Answer, we also took pains to discuss the lack of ultimate facts and also what we feel were violations of due process before the Committee on Justice or, at least, with the proceedings that were conducted before the Committee on Justice. And that is also why we have a pending Motion for Exclusion *na inilakip namin doon sa* Answer, precisely, because we were objecting to the fact that these pieces of evidence were produced after we had already filed our Answer.

Now, on the fishing expedition, I think on the fishing expedition, Your Honors, our main point is this: even if we read the twin requests for subpoenas, *paulit-ulit po, nakasulat po doon* "Because this may show context," "because this may prove something." *At para sa atin,* this only shows—and, at least, again, on the part of the defense—this is somewhat already an admission, *na hindi pa nga nila alam kung ano mismo doon sa mga hinihingi nila ang puwedeng sumuporta sa mga alegasyon ng* unexplained wealth.

And that's why if you read the entire request, it uses the word "may" several times, and it even says in one paragraph—I think it's three to four, but I might be mistaken—that at least in their memorandum, *nakasulat po doon* "that this does not assume wrongdoing, but they want those documents nonetheless to see if something there will actually help support their allegations."

That is why we are calling it a fishing expedition. *Dahil, in Tagalog, para po maintindihan, sa aming pananaw, sa dami ng hinihinging dokumento, para po itong nagtatapon po tayo sa dagat ng isang napakalaking lambat at umaasa tayo na kahit papaano may mabingwit kahit isang pirasong ebidensya.*

Maraming salamat.

The Presiding Officer. Counsel for the panel of prosecutors, the Honorable Diokno.

Representative Diokno. Thank you, Your Honors.

The question propounded to this representation, first, is, what are the ultimate facts alleged in the Articles of Impeachment?

Iyon po ay nakasaad sa page 7 of the Articles. And if I may be allowed to just read them briefly.

The Presiding Officer. You may do so, Counsel.

Representative Diokno. Thank you, Your Honor.

"Respondent Vice President Sara Z. Duterte committed culpable violation of the Constitution and betrayed the public trust when she (a) amassed unexplained wealth manifestly disproportionate to her lawful income and earnings during her incumbency as a public officiant; (b) failed to fully and truthfully disclose all her and her spouse's assets, liabilities, and net worth in her Statement of Assets, Liabilities, and Net Worth, including in her SALN for the years 2022, 2023, and 2024; and (c) Failed to divest, and instead, willfully continued, all her business interests during her tenure as Vice President for the years 2022, 2023, 2024, and 2025.

Please allow me to briefly explain why these are ultimate facts. Ultimate facts are basically the essential factual elements that make up a party's cause of action or defense. *Halimbawa po, pag* murder, treachery, evident premeditation, *lahat ng mga kinakailangan ng batas para mapatunayan na* murder *po siya.* In our case, we are alleging, first of all, unexplained wealth. And based on the jurisprudence, the elements of unexplained wealth—the factual elements—are amassing unexplained wealth manifestly disproportionate to one's lawful income and earnings during one's incumbency as a public official.

So, *na*-satisfy *po namin iyong* requirement *na pag*-allege *ng* ultimate facts or essential factual elements *sa tatlong bagay na po ito.* The evidentiary facts follow in the succeeding pages of the articles. *Doon po namin dinetalye kung ano iyong mga iba't ibang paraan kung paano nakuha o na*-amass *ni* Vice President *iyon ngang sinasabi natin na* unexplained wealth.

On to the issue of fishing expedition. *Iyon pong* fishing expedition po ay, *halimbawa, may subpoena na, "Baka sakali meron tayong makita." Iyon po ang ibig sabihin ng* fishing expedition: When the party requesting information does not know what might be produced and just, as an off chance, tries to use that instrument in order to gain evidence that may be used against the other party.

Dito po malaki ang pagkakaiba ng sitwasyon. Maalala po ninyo, during the hearings before the Committee on Justice, the executive director of the Anti-Money Laundering Council testified and produced documents showing that from 2007 up to the present, 6.7 billion pesos *ang dumaan po sa account ni* Vice President Sara Duterte.

On that basis, and if we go deeper into that report, it says that during the period from 2007 to 2013, during the time that she served as mayor and vice mayor, *umabot po sa halos o lampas 3 bilyong piso ang dumaan sa kaniyang mga* accounts. *So, may basehan po tayo para ipalabas ang* bank records. We are not just guessing that there is something there, because the AMLC itself has confirmed that there were covered and suspicious transaction reports submitted to them in those amounts that I mentioned.

Malayo po ang fishing expedition *sa ginagawa ng prosecution dito po.* If we had no basis at all, if we did not know what was in the AMLC reports, *iyon po, maaaring sabihin na* fishing expedition. But in this particular case, we know because these are matters of record presented before the Committee on Justice.

Second po, ang fishing expedition *maaaring magamit iyan sa ibang mga alegasyon tulad ng, baka meron kang hindi na*-declare *sa iyong* SALN. But when it comes to issues of unexplained wealth, it is very clear—the decisions of the court are very clear—to know whether a government official has amassed unexplained wealth, we must look at the entire incumbency of that official. Starting from day one, we look at their SALN, we look at all the income that he or she has earned, both lawful and not, and from there we make a determination whether there was unexplained wealth or not.

For these reasons, Your Honors, the fishing expedition argument in our view is totally untenable.

The Presiding Officer. Senator-Judge Pia, do you have further questions?

Senator-Judge Cayetano (P). It is actually just a follow-up to what the prosecution—how the prosecution responded. I think Sen. Alan Peter will go into it, but since this is my line of questioning, I will follow up *lang* on this point. His Honor, I earlier mentioned the fruit of the poison tree doctrine, and *ulitin ko, pagka iyong pinanggalingan ng* information *n'yo bawal, hindi n'yo na puwedeng gamitin iyon.* So, His Honor said—I am referring to Congressman-Prosecutor Chel Diokno—they know the contents of the AMLC report, something to that effect, because it was presented in the impeachment hearing in the House. That is correct, right, that is your statement?

Mr. Diokno. Yes, Your Honor.

Senator-Judge Cayetano (P). Yes, *oo.* And I asked my question—and again, I will give both parties the opportunity to respond—*ano iyong basehan na i*-reveal *ng* AMLC and their representative *sa inyo* in the impeachment hearing in the House? Because ang *nakasaad sa* law—I do not even want to use my understanding of the law, because it is what is read in the law, and I won't take up the time of this court *na isa-isahin ko iyon, pero ang nakasulat doon na* confidential *ito.* So, *ano iyong* basis *na mailabas iyon doon sa* Impeachment Court?

Because, and since the Presiding Officer has given me the permission to share in general the discussion in our caucus last week, *isa doon sa napag-usapan namin*, precisely, *was iyong* information *na lumabas doon, kung iyan ay walang basehan na ilabas, walang* legal basis *na ilabas iyong* information, *hindi iyan puwedeng idugtong doon sa mga* allegations *na meron kayo.* So, that is my question.

And during our caucus, *isa rin sa lumabas na* discussion, *pero* allowed *ang* AMLC and the specific officers to share that information. But the specific provision of the law—and please, both counsels, please respond, please elaborate on how this supports or does not support your case—ang specific provision *doon sa batas, iyong* sharing of information *na iyon, sabi,*

"Hoy, kayo AMLC council, *mag*-develop *kayo ng* rules *kung papaano kayo makakapag*-properly share *sa* agencies."

I believe—and, again, feel free to elaborate on this or correct me—that is referring to the bank institutions, the AMLC hierarchy, and the agencies they deal with, not in the court because, *ulitin ko, nakasulat doon*, confidential.

So, I will leave this hear that if it is confidential, it does not allow that this be divulged in the manner it was divulged. Then how do you use that because that is precisely the doctrine of the fruit of the poison tree.

Please take your time to tell us why that information is not the fruit of the poison tree, and obviously, for the side of the defense, they will tell us why they believe that it is a product of the fruit of the poison tree.

Thank you, Mr. President.

The Presiding Officer. Counsel for the panel of prosecutors will please respond.

Mr. Diokno. Your Honor, Section 8(a) of the Anti-Money Laundering Law is really intended to prohibit or prevent leaks by officials of the Anti-Money Laundering Council, but it was never intended to prevent subpoenas coming from courts, including the impeachment court.

Almost every week, the Sandiganbayan issues subpoenas for AMLC records. And despite what would appear to be a very categorical prohibition contained in that section, every time subpoenas are issued by the Sandiganbayan, they are honored by the AMLC, and no one is questioning them.

Ganoon din po itong Impeachment Court. The *subpoena* issued by this Impeachment Court is for the purpose of determining accountability based on the power that is expressly given by the Constitution. *Ang amin pong paniwala* is that confidentiality cannot trump accountability.

Thank you.

The Presiding Officer. Counsel for Respondent may reply.

Mr. Poa. Thank you, Your Honor.

I cannot verify if indeed the Sandiganbayan, as mentioned by opposing Counsel, issues *subpoenas* against AMLC every week. So, that I will not comment on because I cannot verify that. What is clear to us, Your Honors, is we have demonstrated last week is that "8(a)" is an absolute prohibition.

And, again, this was the latest amendment of the law back in 2021. And, for us, Your Honors, that is why when this was presented to the House Committee on Justice, we had our objections to such matter. And, in fact, Your Honors, it is a subject of our petition in the Supreme Court and, aside from that, a subject of our Motion for Exclusion before this Honorable Court. *Ngayon po, sa atin, talagang 'yung tinutumbok natin* is it is, in fact, within the fruit of the poisonous tree. In fact, I'm surprised, Your Honors, because, Your Honors, *nabanggit na rin po ng aking* distinguished Opposing Counsel *na nakita na nila, may* records *na sila.* In fact, if I'm not mistaken, it was also attached to the Articles of Impeachment. So, *kung meron na pala, bakit pa nila pinapa*-subpoena *ngayon sa* Impeachment Court? Is it because—I don't want to speculate, maybe I just won't go there. But, *ang sa akin lang po* is, we have questioned this all throughout.

Why? Because to us, *unang-una, bawal siya. Pangalawa, hindi siya* relevant. *Bakit hindi siya* relevant? Your Honors, transactions do not equate to wealth. Transactions do not equate to net worth, especially if *tinatali natin siya sa* SALN. Because transactions happen over the course of the year and, in this case, years. Well, when you talk about SALN, we talk about net worth on a specific date and time, which is December 31 of every year. So, *sa atin po, ang aming pananaw dito ay hindi po* relevant *at* it will not directly show anything about wealth. *Kasi,* again, AMLC transactions do not equate to net worth of a certain person. And that is why, Your Honors, we have opposed this, and we have opposed this since the time it was being presented at the House level.

Thank you, Your Honors.

REMARKS OF THE PRESIDING OFFICER

Presiding Officer Escudero noted that while he was unsure about the statement of Representative Diokno that the Sandiganbayan routinely issues subpoenas to the AMLC, he expressed awareness of Supreme Court decisions on subpoenas issued by the Sandiganbayan to the AMLC.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) expressed appreciation to Presiding Officer Escudero and the Court for allowing the Senator-Judges additional time to review the applicable laws, consider the views raised during the caucus, and discuss the various issues and sub-issues involved in the pending motions.

Following the Presiding Officer's ruling, he stated that he would make a manifestation or submit a written statement specifying the portions of the ruling which he agreed or disagreed with.

QUESTIONS OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A). Good afternoon, Atty. Diokno and Atty. Poa.

Representative Diokno. Good afternoon, Sir.

Senator-Judge Cayetano (A). So, I really want to be enlightened. I have no illusion *na magkakasundo 'yung* dalawang side today because you have the eloquent Atty. Diokno on one side and the eloquent "No joke, no joke" on the other side. So, *sa pangalan pa lang, baliktad na.* But I think the discussions are very important, and I do appreciate your opening, Congressman Diokno. I appreciate your—I mean, your oral arguments because I've been pondering these questions. What if—*hindi ko na sasabihing* this administration, let's say, *'yung* future administrations—this exact thing happens, 5 years, 3 years, 10 years? *iba ang* SALN, *iba 'yung* income *ng* COA Chairman, or *ng* Ombudsman—Ombudsman files cases—many, *mukhang maraming* congressman *makakasuhan ngayon.* So very, very much relevant *'yung ating pinag-uusapan ngayon.*

So, just in the spirit of liberality, same *kay* Senator Pia, after one answers, if one wants to make a quick rebuttal, I'll ask you the question, but let's try to be concise.

So, Counsel, may I ask—let's start with the case of *Duterte v. House of Representatives.* Thank you for reminding us about certain precedents and how I voted last time. But you would agree, *'di ba,* that when you have legal proceedings, even in legislation, you follow what the latest law is. So, for example, if you're allowed to issue a general warrant before *Stonehill v. Diokno*, but after *Stonehill v. Diokno*, *may*—so, if before *Stonehill v. Diokno*, *walang* doctrine of the fruit of the poisonous tree, then some policemen will still submit evidence that was illegally acquired. But after that, we have to follow. So, you did make your point about *obiter dictum.* I'll go to that, but I just want to start out by saying the fact is there is a *Duterte v. House of Representatives.* So, with your permission, let's start discussing that.

So, this case of *Duterte v. House of Representatives* came out after the impeachment of CJ Corona, correct?

Representative Diokno. Yes, Your Honor.

Senator-Judge Cayetano (A). And two elements were discussed in this case: the act charged must be impeachable under Article XI (2) of the Constitution; and, two, the act committed must be committed during the term of the impeachable officer.

You commented on that. Can you elaborate or give your stand regarding—I think you agree with letter (a), right? That the charge must be an impeachable offense. I mean, we all agree on that, right?

Representative Diokno. Well, I would distinguish, Your Honor, please, between what we would call *ratio decidendi*, or the rule in that particular case, and *obiter dicta*, which are side comments or incidental remarks made in the opinion of the Court. If we are speaking of the *ratio decidendi* of the *Duterte v. House of Representatives* case, I would have to disagree that it relates to the statements that you mentioned. My understanding of that case is, it really relates to the first mode of impeachment and the procedures that must be followed, the one-year ban provided in the Constitution, how that will be applied when impeachment complaints are filed by at least one-third of the Members of the House of Representatives. *'Yun pong nabanggit nila* that the basis of any

charge must relate to the incumbency of the official, in my view, that is *obiter dicta*, not necessary the decision of the case.

Senator-Judge Cayetano (A). I appreciate your answer. We'll go to that. But regardless of the *Duterte v. House of Representatives* ruling, we do agree with letter (a), the act charged must be an impeachable offense under Article XI (2) of the Constitution?

Representative Diokno. I would agree, but if I may be allowed to just qualify that—

Senator-Judge Cayetano (A). No, this is just general. This is not a trap question. So, the officer has to be impeachable, and the acts charged should be an impeachable offense. And since you have betrayal of public trust, that's quite broad. So, this is not a trap question; this is just laying the basis. But go ahead if you want to comment on that.

Representative Diokno. Yes. The acts charged must constitute an impeachable offense, and that power to decide what is an impeachable offense is lodged exclusively with this Honorable Court.

Senator-Judge Cayetano (A). So, you disagree that part of the *ratio decidendi* is the act must be committed during the term of the impeachable officer. Thank you for bringing it up now, because, I think, all throughout the trial, especially in the articles where we will bring up acts before 2022, this discussion will be relevant, *'no*? So, by discussing this, it will pass upon whether or not including proof, like bank records, financial documents before her term can be inquired into. The Prosecution says it cannot, right? Because you believe it's an *obiter dictum*. I'm just restating. You can say it in your words. You believe that the statement that the act must be committed during the term of the impeachable officer is not the law of the land; it's an *obiter dictum*.

Representative Diokno. In the first place, if Your Honor, please, that was not the exact statement of the Court.

Senator-Judge Cayetano (A). Okay.

Representative Diokno. The Court said the basis of the charge must relate to the incumbency of the impeachable official—

Senator-Judge Cayetano (A). Okay.

Representative Diokno. —which does not rule out the presentation of evidence of acts or omissions that occurred before the person became an impeachable officer.

Senator-Judge Cayetano (A). So, let's take judicial notice, as you said more eloquently and correctly, that the acts, *'no,* during her term. So, can you define—you defined this in your opening statement, but for the sake of this discussion, an *obiter dictum* is what?

Representative Diokno. It's a side comment, Your Honor, that is not necessary for the resolution of that case.

Senator-Judge Cayetano (A). Yeah. And, I believe that and it's a remark made or opinion expressed by a judge in a decision upon a cause, or it's a "by the way," that is incidentally or collaterally and not directly upon the question before him, or upon a point not necessarily involved in the determination of the cause, or introduced by way of illustration, analogy, or argument such at—so, such are not binding precedents, *'no*? Just for the public and for all of us, *'di ba*?

Representative Diokno. Yes, Your Honor.

Senator-Judge Cayetano (A). So, *ang sinasabi,* yes, there can be a Supreme Court decision, but that part could be an *obiter dictum*, meaning *hindi 'yan 'yung doktrina* that will bind us in making decisions, whether it's issuing the subpoena or admissibility.

But are you aware of the *Villanueva v. Court of Appeals*, G.R. 142947, March 19, 2002? I won't take it against both of you if you do not hear it—thousands of cases. It talks about what is *obiter dictum*. Have you passed about on this, both Counsel?

Representative Diokno. Yes.

Senator-Judge Cayetano (A). Yeah. So, the Prosecution's characterization of the requirement,

that the basis of the charge must be for impeachable acts or omissions committed in relation to their office during their current term of the impeachable officer, is an *obiter dictum*.

But in *Villanueva v. Court of Appeals*, in that case, the Supreme Court held: "An adjudication on any point within the issues presented by the case cannot be considered an *obiter dictum*, even where the point is only incidentally involved." So, we agree if it's incidental, *puwedeng obiter*, but if it's on point within the issues—*sabi ng* Villanueva case, it is not, so long as it is presented and decided in the regular course of the consideration of the case and led up to the final conclusion, or is a statement as to the matter of which decision is predicated.

The Court added that a point expressly decided does not lose its value as a precedent because the disposition of the case is or might have been made on some other ground, and that where a court decides several points, none of such points can't be regarded as having the status of a *dictum*, and one point should not be denied authority merely because another point was—and more dwelt on and more fully argued—and considered.

So, going back to the *Duterte v. House of Representatives*, the requirement that an impeachable act be committed in relation to their office and during the current term was not a remark made by "by the way." The Supreme Court *en banc* laid it down as one of the enumerated principles that due process requires, which is the very ground on which the ruling was predicated. Even if the Court also struck down the 2025 impeachment complaint based on the one-year bar, so this is the question: Does it not render the due process requirement laid out as a mere *obiter dicta*, or because it's based on due process, regardless of the mode of initiation—regardless of the mode of how the Articles of Impeachment got here. Dsn't due process still a requirement?

Representative Diokno. If I may be recognized, Your Honor?

Senator-Judge Cayetano (A). Yes.

The Presiding Officer. Counsel for the Panel of Prosecutors may respond.

Representative Diokno. Precisely, Your Honor. If a matter is within the issues resolved by the Court, then it may not be considered as *obiter dicta*. But if we look at the decision in the case of *Duterte v. House of Representatives*, *ang mismong nangyari po roon ay may naunang dalawang* complaints that were endorsed, *at may sumunod na* complaint filed by at least one-third of the Members of the House, *at iyon ang tinutukan po ng ating* Supreme Court. It was in that context that the Supreme Court made pronouncements about the one-year bar and even about due process. At no time in that case was it ever a fact and issue about the mode of impeachment that is involved in our case today. *Ang pinag-uusapan po natin dito ay* individual complaints that were then referred by the House to the Committee on Justice, heard by the committee, and then brought back to the Plenary, and eventually *umabot po rito,* through Articles of Impeachment. So, *kahit may sinabi ang* Supreme Court about impeachable offenses in relation to the charges, *kami po ay naniniwala na hindi po 'yan pumapasok o sumasakop sa* issues that were decided in that case.

Senator-Judge Cayetano (A). I'll not argue with you because that's not my job here. I'll follow the Pia Cayetano style and move to the Defense, but just a follow-up question on that. So, I respect your belief on that, but my point is: the legal principle of due process applied to that mode—Is it not logical that it's the same legal principle on due process even if we use another mode?

Representative Diokno. First of all, if Your Honor, please, when we speak of due process, of course, there are two types: substantive and procedural due process. And when we speak of substantive, we're talking about protections to life, liberty, and property. *Wala naman pong ganoon na* issue *po rito sa atin,* because office is not a property. We're not talking about the life or liberty of the Respondent. *Ang pinag-uusapan po natin dito, kung* due process *ang* issue, *ay* simply fundamental fairness. And I do believe that this proceeding does require fundamental fairness, but at the same time, it does not require that this Court be hamstrung in terms of how to decide whether an offense is impeachable or not. That power is exclusively given to this Court, *at dapat kayo lang po ang magdesisyon at magpasya kung ano nga ba 'yan.*

So, when we speak of what is an impeachable offense, *may kaugnayan po 'yan doon sa nabanggit ninyong* "the basis of the charge must relate to the incumbency," because, in our view, that is really something that each member of this Honorable Court will have to decide when the time comes.

Senator-Judge Cayetano (A). Later, I'll ask you that question on whether or not—what, if ever, can the Supreme Court decide or what of their pronouncements will be applicable to this Court on that.

But my point is, if we're saying that *kapag ang* mode of initiation is by one-third, *na pumirma diretso, at ang nakalagay doon* "committed in relation to their office during their current term," wouldn't it be illogical if you use another mode and *puwedeng hindi* committed in relation to their office and during their current term? I don't think the Supreme Court would be illogical in saying this is the principle for due process in this mode, but not in this other mode.

Representative Diokno. Even if we assume, Your Honor, that that is not *obiter*—the statement that the basis of the charge must relate to the incumbency of the impeachable officer—we submit that that still applies, and we have satisfied that test. As I mentioned in my opening statement, integrity cannot be divided. *Hindi po puwedeng biyak-biyakin ang integridad.*

Senator-Judge Cayetano (A). So, on that point—so if a President, an Ombudsman, a COA chair who's, let's say, 60 years old but he started in government at 20 years old, he can be impeached by something he's done when he was 20 to 30, not only on what he's done when he was already an impeachable officer?

Representative Diokno. If we are speaking about unexplained wealth, Your Honor, I have repeatedly cited the cases of the Supreme Court that provide that we must look from the reckoning of the first day of service of that public official, look at all the income that person has amassed, and determine whether it is manifestly disproportionate to the lawful income that he has reported.

Senator-Judge Cayetano (A). Yes. I agree in terms of holding that person liable and accountable. But what I'm saying is that, let's say he was a counselor, then he was a customs director, then he was BIR, then he's now COA—isn't the remedy for all his other positions that weren't impeachable is through the regular courts and regular case buildup, et cetera? But once you're an impeachable officer, you're being held accountable during the term that you are, in fact, an impeachable officer, because usually when you're an impeachable officer, it's too hard to prosecute you the normal way. Isn't that being logic there, or you disagree, Counsel?

Representative Diokno. I would have to respectfully disagree. *Ang pinag-uusapan po natin kasi dito ay* betrayal of public trust, and I think it's very clear that when we speak of betrayal of public trust, essentially, we are looking at whether the public official is fit or unfit to continue in service. *Kung siya po ay nakapag-*amass ng unexplained wealth *noong siya ay* vice mayor *o* mayor *na umaabot sa bilyong-bilyones,* I think that would have a very big impact on the Court's decision whether that person should continue in office or whether they are fit to have that office.

Senator-Judge Cayetano (A). Okay. As I said—

SUSPENSION OF TRIAL

With the permission of the Court, the trial was suspended.

It was 4:00 p.m.

RESUMPTION OF TRIAL

At 4:07 p.m., the trial was resumed.

QUESTIONS OF SENATOR-JUDGE CAYETANO (A)
(*Continuation*)

Senator-Judge Cayetano (A). if I may start there, whether or not the Defense—although they stated already in their opening statement—considers such statement in the Duterte case as *obiter dictum*; and I'd like to reiterate. It's very important that we all understand and come to our own conclusions because many, many times during this trial, and even in the decision we'll have to

make, this question will play a center—will be front and center. So, may I ask, Atty. Poa. Do you think that statement was an *obiter dictum*?

Mr. Poa. As stated, Your Honors—thank you for the question. As stated last week, Your Honors, it is our position of the Defense that that is not *obiter dictum*, precisely because, Your Honors, it is our theory that when the Supreme Court decided the case of *Duterte vs. HOR*, the point that the one-year bar was triggered precisely because there was a violation of due process. That's why, if you read the decision, the Supreme Court, through the words of, of course, Senior Associate Justice Marvic Leonen, painstakingly discussed what due process is actually in an impeachment proceeding. And in fact, there was a line in that decision that says that they wanted to clarify the guidelines on impeachment proceedings.

Further to that, Your Honor, *hindi lang po sa* decision, *pero pati po doon sa binibigay na* primer or summary *ng* Supreme Court *bago nila ilabas iyong buong* decision, they enumerated the guidelines, which were around seven points, if I'm not mistaken, and the sixth point is actually on what is an impeachable offense. And in fact, we have prepared copies of that primer for the Senator-Judges, which we can distribute, so *that makita po ninyo na* while *ang* effect *ay na*-trigger *iyong* one-year bar, it was really due process that the Supreme Court was discussing in that case to guide—yes.

The Presiding Officer. Counsel for Respondent, kindly submit that to the Clerk of Court.

Mr. Poa. Yes, Your Honor.

The Presiding Officer. Thank you. You may proceed, Sir.

Mr. Poa. So, while the—as I was saying, Your Honors—while *iyong ang* end result is *na*-trigger *iyong* one-year bar, and that's why void *iyong naging* first round of impeachment. *Ang talagang pinag-uusapan ng* Supreme Court *dito* is the observance of due process in every stage of the proceeding. And that is why it is very important *na mapag-usapan natin na iyong kasama doon* is really kung ano *ba talaga ang isang* impeachable offense *at nakasulat doon*, if I may quote, "The basis of any charge must be for impeachable acts or omissions committed in relation to their office." Meaning, in relation to their impeachable office, and during the current term of the impeachable officer.

So that is why, Your Honors, it is the view of the Defense *na hindi po obiter lang itong* pronouncement *ng* Supreme Court *na ito*, as to what constitutes as an impeachable offense.

Senator-Judge Cayetano (A). Yes. I'm not texting. I got on my phone the *Duterte vs. House of Representatives* because, of course, my follow-up question was to get into the mind of the Prosecution when to apply the *Duterte* case and when not to. But I'll still ask you the same question.

So, what is more logical, that the due process requirement, that the acts committed should have been on the term is also applied to the other modes, or just to the one-third mode?

Mr. Poa. All modes of Impeachment, Your Honor. That is our position. *Kasi po*, we would veer into absurdity *na kung doon sa* one-third mode *tayo, ang* impeachable offenses limited *lang sa* term, *pero pagdating doon naman sa* other mode, which admittedly, *at iyon ang dinaanan nitong* current proceedings *natin, eh mag-iiba ang* definition *ng* impeachable offense. I do not see any logic on why there is a difference, because an impeachable offense is an impeachable offense.

So, *para po sa atin*, that should apply. And, in fact, the Supreme Court did not make a distinction as to the guidelines that it laid down in that decision, Your Honors, please.

Senator-Judge Cayetano (A). So, in the first page, *sabi dito*, "Second, considering the nature of the offices and the institutions that are subject to impeachment, its effect on the independence of constitutional departments and organs, and its nature as a constitutional process, all legal issues involving impeachment proceedings, are subject to judicial review. While the Court does not determine when, who, and whether an impeachable officer may be removed and disqualified from political office, it has the duty to construe the process mandated by the Constitution."

So, is this for you, part of the *ratio decidendi,* or is this an *obiter dictum*?

Mr. Poa. *Ratio*, Your Honors.

Senator-Judge Cayetano (A). Okay.

Mr. Poa. In fact, that's why the Supreme Court, when it started the decision said that, "The end does not justify the means." Because it was precisely discussing the means. *Ano ba iyong dapat nating sinusunod na proseso?*

Senator-Judge Cayetano (A). So, since we are talking about subpoenas, we will go to "the end does not justify the means."

The Presiding Officer. With the permission of Senator-Judge Alan. I would just like to get the assent of the Counsel for the Panel of Prosecutors.

The documents sought to be distributed by the Counsel for Respondent is a July 25, 2025 discussion on the *Duterte v. HOR* on the one-year bar rule. Again, it's dated last year.

With the permission of the Prosecution, we shall distribute it without prejudice to the Counsel for the Panel of Prosecutors to also furnish, whenever it shall so desire, because this issue, as pointed out by Senator-Judge Cayetano (A), will linger until the end of the proceedings. Without prejudice to the Counsel from the Panel of Prosecutors, to so furnish also Senator-Judges with their rejoinder to this document being furnished to the Senator-Judges.

Is that okay?

Mr. Diokno. Your Honor, first of all, may we request for a copy of that document? I believe that document refers to the Office of the Spokesperson of the Supreme Court.

Mr. Poa. That is correct, Your Honor.

Mr. Diokno. In which case, Your Honor, we would have to interpose an objection. Because any interpretation by the Office of the Spokesperson is not binding on the Supreme Court. What we must look at are the actual text of the decision.

The Presiding Officer. Well, Counsel, you can say that in your rejoinder. Point that out in your rejoinder and point that out in your submission.

Mr. Diokno. We will do that, Your Honor.

The Presiding Officer. So ordered. The Clerk of Court is directed to kindly distribute the copies to the Senator-Judges without prejudice to the Panel of Prosecutors submitting a rejoinder to this document.

Senator-Judge Alan Cayetano, you may proceed, Sir. Apologies for the interruption.

Senator-Judge Cayetano (A). Yes. Presiding Officer, to be fair, I would not have objected if you objected to the distribution. But, realistically, we won't have time to read it because *magru*-ruling *na* after.

Mr. Poa. Yes, Sir.

Senator-Judge Cayetano (A). So, it will be more of reference materials. But feel free also to, if you feel that you should, submit in writing a rejoinder, to be fair to everyone. So, if the voting was tomorrow and it would be unfair to distribute it.

So, can I ask the same question, Congressman?

So, I read the first few paragraphs. *Sabi kasi dito*—you heard me *naman*, *'no?* You want me to read it again?

Mr. Diokno. If I may be allowed to respond already to the question.

Senator-Judge Cayetano (A). Yes. Go ahead

Mr. Diokno. First of all, Your Honor, I think we must point out one of the plainest reasons why that statement in the *Duterte* ruling is *obiter dictum*. And that simply is because there was no trial yet to speak of when the Supreme Court rendered that decision. *Paano po magiging* issue *iyong nangyayari ngayon sa* trial *samantalang noong dinesisyunan po iyan ay wala pa pong* trial? Therefore, any statements by the Court about how the trial should be conducted are outside the issues of that case. And while they may be guidelines, they are not binding as judicial precedent to us and to the future generations.

Senator-Judge Cayetano (A). Actually, I was referring to a different matter already but just to that point. It is not how; it is what. It is paragraph 6, "The basis of the charge must be for impeachable acts or omissions committed in relation to their office and during the current term of the impeachable officer. For the President and Vice President, these acts must be sufficiently grave amounting to the crimes described in Article XI, Section 3(1) of betrayal of public trust given by the majority of the electorate. For the other impeachable officers, the acts must be sufficiently grave that they undermine and outweigh the respect for their constitutional independence and autonomy."

So, this does not really tell us how to conduct the trial. This basically tells us that if we don't follow that, we are in danger of having a trial that is void *ab initio*.

Mr. Diokno. I would have to respectfully disagree, Your Honor. I believe—

Senator-Judge Cayetano (A). Anyway, we have gone through that argument, and I would not argue it both ways.

Going back to that, this is what I read, Second, "considering the nature of the offices and the institutions that are subject to impeachment, its effect on independence of constitutional department and organs, and its nature as a constitutional process, all legal issues involving impeachment proceedings are subject to judicial review." I will stop there.

Kasi—may I speak English-Filipino—*nabanggit po kanina na* that is for us to decide, and my interpretation...and I have felt like that many, many times, *'di ba, na* zealous *dapat ang* Impeachment Court *sa* powers *niya kasi*, not only because its *sui generis, wala itong*—

Apologize to Senator-Judge Risa, my phone fell.

So, you cannot appeal the decision of the—my belief, you cannot appeal the decision of to acquit or to convict to the Supreme Court, *'di ba*? But the parameters—so let me use the words of the Supreme Court—*ang sabi niya*, "All legal issues involving Impeachment proceedings are subject to judicial review."

You disagree with this, or you agree? In context *noong sinabi mo kanina na* it's within our power to make these decisions.

Mr. Diokno. I believe what is the controlling decisions there, Your Honor, are the cases of *Gutierrez* and *Francisco*. Because in those cases, the issue of what is an Impeachable offense was squarely brought before the Court, and the Court said very clearly that that is purely a political question, that is not within the judicial power for us to decide. And I believe that that should be the controlling jurisprudence.

Senator-Judge Cayetano (A). So, let me be more specific.

So, for example, we issue some subpoenas and we do not issue some. Can one or both of you, meaning the Prosecution and Defense, go to the Supreme Court and question it?

Mr. Diokno. Well, there is always the possibility that some side, perhaps the Defense, may claim that therevis grave abuse of discretion, I believe, as they have done and there are other petitions filed and, therefore, make an attempt to stop the proceedings before this Court.

But as I have said last week, Your Honor, in our opinion, this Court has the sole and exclusive power to decide what an impeachable offense is, and no one, not even the Supreme Court, can dictate on this Court in making that decision.

Senator-Judge Cayetano (A). Yes. Same answer?

Mr. Poa. No, Your Honor. I have a different—

Senator-Judge Cayetano (A). So, okay, you can go back to that question, and my follow-up question was: So, let's say certain orders of the Court. Can the prosecution or defense go up to the Supreme Court and question its constitutionality?

Mr. Poa. Yes, Your Honor. It is our position that either of the parties can do that. Why? Because *sa atin nga, ang sabi natin kanina*, that the Constitution cannot be read in isolation. So, while the Constitution gives the sole power to the Senate to try an impeachment case, to try

and hear an impeachment case, we must read this in conjunction with, again, Article III, Bill of Rights, and Article 8, specifically Section 1, which is the power of judicial review. So, *pag sa tingin po ng isang panig, mayroong* grave abuse of discretion *na naganap*, we are of the position that, in fact, this is a justiciable issue and can be brought before the Supreme Court, Your Honor.

Senator-Judge Cayetano (A). Okay. So, at least in that small point, I think we all agree that if we think there's grave abuse of discretion, there's a possibility that the Supreme Court will take it up. Not referring to any—I'm not referring to the subpoena; I'm talking in general.

So, I'll skip a few pages of my questions, precisely because I wanted to elicit your opinions or your stand regarding the fact that the Impeachment Court is supreme, but it's not true that we can do anything, or we can just make decisions that are not based on statutes and on legal orders. In fact, when the Supreme Court issued a TRO regarding the foreign accounts or the dollar account in the Corona case, the Impeachment Court voted to respect the TRO. But of course, we did vote. So, there could have been a constitutional crisis if we voted not to, and then—of course, we know, because of history—*nag*-waiver *na lang si* Chief Justice Corona.

So, can I go now to the ultimate facts. I don't know if Senator Joel, but Senator Pia asked a little bit about this. Just a quick review — we're also governed by the Rules of Court when it comes to ultimate facts. This is what Section 1 says: "*In general.* — Every pleading shall contain in a methodical and logical form a plain, concise and direct statement of the ultimate facts, including the evidence on which the party pleading relies for his [or her] claim or defense, as the case may be. If a cause of action or defense relied on is based on law, the pertinent provisions thereof, and their applicability to him or her will be clearly and concisely stated."

So, do the two counsels agree that *sa* ultimate facts, you have to include the evidence?

Representative Diokno. I would make a distinction, Your Honor, between what we call "ultimate facts" and "evidentiary facts," which are the pieces of evidence that could be used to come to the conclusion or to decide whether those ultimate facts are present in the case or not.

Senator-Judge Cayetano (A). Yeah. I think all of us lawyers agree with that. There's a difference between ultimate facts and evidentiary facts. But the Rules of Court says, "including evidence."

Kasi kung walang "including evidence," then *ang kailangan mo lang i*-file, ultimate facts. *Pero pag sinabing kasama ang* evidence, I don't—for me, it doesn't mean that every single testimony and every single document should be attached. So, let me go to my second question. So, *puwede bang sa* Articles of Impeachment, ultimate facts *lang, walang naka*-attach *na* evidence?

Representative Diokno. *Ang* requirement *po sa* pleading *ay doon na dapat nakasaad ang* ultimate facts. But if you look at the Articles of Impeachment that are before this Court, it also contains evidentiary factual allegations to support the ultimate facts that are contained therein.

Senator-Judge Cayetano (A). Okay. Thank you for that answer.

Actually, that was my next question. Did it contain, and you answered it. So, with respect to the Saballa and Cabrera impeachment complaints, is it correct that there were no authentic records that were attached when they were filed? Factual *lang itong tanong ko.*

Representative Diokno. If, Your Honor, please. First of all, I would have to raise an issue with respect to whether this Honorable Court is acting as an appellate or review court of what happened during the House proceedings. The power to initiate an impeachment complaint is exclusively lodged with the House, while the power to try and decide that impeachment case is exclusively lodged with this Honorable Court, and I don't believe that it is part of the function to go back to what may have happened during the three proceedings before the House, since the Articles have already been transmitted to this Honorable Court.

Senator-Judge Cayetano (A). Well, counsel, even your students, colleagues, recognize that you are a brilliant man; you're very well learned *sa* law, but *minsan mabilis*, kasi actually that's not where I was going. *Binaliktad ko lang.* So, two of my colleagues started with, or in your discussions, *ano iyong* fishing expedition going down to ultimate facts and evidentiary.

Ako, I wanted to distinguish when is it a fishing expedition and when it's not. So, I just wanted to know as a fact. Or can we take judicial notice that there were no authentic records in the Saballa and Cabrera?

The Presiding Officer. What's the point, again, senator-judge? There were no authentic—

Senator-Judge Cayetano (A). It was just preliminary because I wanted to compare it with other impeachment complaints, and I wanted to ask the question, when is it a fishing expedition *o hindi?* So, these are legitimate questions. So, factually, *iyong* Saballa and Cabrera *ba may* authentic records attached? *Ang* information *ko*, *wala*. But I don't want to—

The Presiding Officer. I believe, Senator-Judge Alan, that the Saballa and Cabrera complaints were attached as an annex.

Senator-Judge Cayetano (A). Yes.

The Presiding Officer. If I'm not mistaken, to the Respondent's answer. Would that be correct, Atty. Poa?

Senator-Judge Cayetano (A). Yes—

Mr. Poa. Yes, Your Honor.

Senator-Judge Cayetano (A). —And to be fair, it was—

The Presiding Officer. As well as the annexes.

Mr. Poa. Yes, Your Honor.

Senator-Judge Cayetano (A). Yes.

The Presiding Officer. In fact, the Presiding Officer noticed that it lacked a page in one of the annexes to, I think, the Saballa complaint, which I think we pointed out. So that's a fact.

Senator-Judge Cayetano (A). Yeah, factual—

The Presiding Officer. So, it's on the record, Senator-Judge Alan.

Senator-Judge Cayetano (A). Yeah, factual *lang po*.

So, in the absence of authentic supporting record, what factual basis did the prosecution rely on to say that the allegations were sufficient in form and substance?

Representative Diokno. If I recall correctly, Your Honor, please, there were some attachments to both complaints, and I'm not aware of any rule in the House of Representatives as far as impeachment cases are concerned that limit what may be discussed or investigated by the committee to only what is contained and attached to the impeachment complaint—

Senator-Judge Cayetano (A). Yes. I'm not questioning if there's an attachment. I'm questioning whether there was—I'm asking questions. I'm not even questioning it. I'm asking questions if there were authentic records. So, I'll move on.

In the complaint against Pres. Bongbong Marcos, the finding was the complaint failed to establish any factual nexus between the President and an impeachable offense. What are presented were policy and disagreements and generalized accusations, not ultimate facts. *Iyon ang* finding *ng* Committee on Justice, correct?

Representative Diokno. Yes, Your Honor, to the best of my recollection.

Senator-Judge Cayetano (A). Okay. So, that's my question. After answering that question, does the prosecution agree that the requirement of alleging ultimate facts applies equally to all impeachment complaints, regardless of [whether] it's the President or the Vice President, regardless if it's the Ombudsman or the COA chairman?

Representative Diokno. Yes, Your Honor. And as I recall, when the members of the committee examined the complaint filed against the President, the conclusion of the committee was, in fact, that there were only conclusions of law contained in that complaint, not allegations of ultimate facts.

Senator-Judge Cayetano (A). Yes. Yet in that complaint, there were documents attached, authentic records, and the House did not ask *na ma*-subpoena *iyong* AMLC, BIR, and bank records of the President.

Representative Diokno. The requirement, if, Your Honor, please, of ultimate facts is really based on what is alleged in the petition or complaint itself.

Senator-Judge Cayetano (A). But what was the exact words of counsel?

"Ang katotohanan ay hindi...?

Representative Diokno. Confidential.

Senator-Judge Cayetano (A). *Hindi* confidential. So, why in the case of President Marcos is the "*katotohanan* confidential," but in the case of Vice President Sara, "it's not confidential"?

Representative Diokno. *Wala naman po akong maalalang* ruling *ng* committee in the case of the President *na mayroon silang sinabing* "confidential." What I recall is that the conclusion was that the complaint did not allege ultimate facts.

Senator-Judge Cayetano (A). Yes. So, there was a conclusion even before asking for all of this. But in this case, *baliktad*—there was a conclusion that there's no nexus between the President and an impeachable offense. In this case, *walang* authentic documents *pero humihingi ng* subpoena *kasi iyong katotohanan, hindi* confidential.

Well, first, let me honor who I should honor, because it seems that the Liza Maza complaint, which was endorsed by ACT Partylist, who was here *kanina*, and I think Antonio Tiño, I think Sara Hidalgo was here last week, and I think Representative Co was here. So, in their case *kasi*, I can say *walang* selective justice because they wanted the same standards *sa* President and Vice President.

So, that's my next question. We want fairness for everyone and for the Filipino people, but would it be unfair to require 20 years of documents from AMLC, BIR, and bank accounts from Vice President Sara without requiring the same from President Bongbong, considering all of these scandals are happening during this administration?

Representative Diokno. If the allegations of the complaint against the President did in fact contain ultimate facts, I would see no reason why the Committee on Justice should not have proceeded with it.

Senator-Judge Cayetano (A). So, I'll take that answer.

May I ask the same question, Rule 8, ultimate facts including evidence? So, the answer of the prosecution was that *basta* may evidentiary facts. But *ang nakalagay kasi sa* Section 1 *ng* Rule 8, including evidence. What is the position of the Defense on this?

Mr. Poa. The Defense follows strictly the rules, Your Honor. While I agree with the distinguished opposing counsel *na iba iyong* ultimate facts and evidentiary facts, I don't want to blur that line. *Tama naman po iyong sinabi ng ating* opposing, but *iyon nga po iyong punto namin*. In the Saballa and Cabrera complaints, *wala pong* ultimate facts *at wala din pong* evidence or evidentiary *na kalapit doon po sa mga* complaints, and which is the very issue that we brought up to the Supreme Court, Your Honor.

Senator-Judge Cayetano (A). So, if you were representing now the President, and the opposing counsel was also asking for 20 years of records of AMLC, bank accounts, and BIR, would you still have the same position?

Mr. Poa. Your Honors, I—

Senator-Judge Cayetano (A). That, unless it is relevant and definite—I read in your pleadings and in your position paper *na iyon iyong*—I'll ask *na rin* my next question. Why isn't it definite in your view?

Mr. Poa. *Opo*. So, on the first question, yes, Your Honor. Even if I were to be representing the President now, I would have the same view, *na hindi po puwedeng ganoon ka*—20 years *ang* span *ng mga* documents *na hinihingi* precisely because jurisprudence provides that for a valid subpoena to issue, it must be particularly described, plus *iyong sinasabi po natin na* relevance.

Now, to the second question, as to why it is not particularly described, Your Honors, *unang-una*, let's start with the bank accounts. *Iyong* bank accounts *na naka*-enumerate *sa kanilang* request, it is our position *na iyon po iyong natawag kanina na* "fruit of the poisonous tree" because, as you can see, *lahat po ng pinanggalingan ng* accounts *na iyan ay iyong* AMLC, which we are contesting. *Sa amin po*, unlawful *po iyong naging* disclosure *sa* Committee on Justice. But more importantly, *pangalawa,* aside from just the mere bank accounts, the documents they're asking, Your Honors, while they are specified, *kung titingnan mo talaga nang mabuti kung anong hinihingi nila*, they're asking for all, all bank records, without any assertion as to why all of these are relevant to prove whatever allegation they have stated in the Articles of Impeachment.

Senator-Judge Cayetano (A). I'll skip many questions here and go to that question. But to be fair, Congressman Diokno, as you said, that's an exclusive authority, right, power of the House, so if I want to question the difference, I'll do that in either the Senate or as a private citizen. So, I won't go into that. But I asked that now in the context of whether or not the certain parameters in the subpoena you're asking for are valid or not.

So, let me just go to this series of questions. This is really a discussion into what is substantial facts, what's ultimate facts, what's essential facts, what are—and as you said, Atty. Poa, we don't want to bore everyone with that, but it's important in terms of due process. So, basically, *di ba*, the ultimate facts are those that establish the charge, in this case, unexplained wealth. So, let me put it this way in my question to attorney and Congressman-Prosecutor Diokno. So, like, if I say that *may kilala akong politiko,* commissioner *ng ganito*, or congressman, senator, whatever—*ang* SALN *niya* was one peso or what's a reasonable amount? *Ang* SALN *niya* was P1 million, 20 years later, it's 20 million; versus the Commissioner of BIR, in 5 years, it gained P50 million, compared to this congressman *ganito*. Then I said, "*Ito lang* income *niya*, unexplained wealth *iyan*."

In your view, is that sufficient *na* for the Impeachment Court to issue subpoenas? Or do you have to specify *na*, for example, you say that, that commissioner, *sa* SALN *niya*, he only had two cars, but he actually has more than 4, therefore *pahinging* subpoena *para sa* LTO? That commissioner, *ang sabi niya, isa lang ang bahay niya, pero* subpoena *sa* LRA *kasi apat ang nakita namin, di ba? Kasi* on the later examples, *medyo mas malinaw iyong* ultimate facts. *Pero iyong pag sinabi mo lang, "Ito* SALN, *ito tumaas*," which was my point actually in my last few vlogs, that just because *tumaas iyong* SALN, that doesn't mean that there's ill-gotten wealth.

But my question there was: Does that give us now the authority to get the bank accounts, the AMLC, and the BIR? Because whatever we do in the Impeachment Court is for impeachable officers, *but nanonood din iyong Sandiganbayan, nanonood din ang* RTC, MTC, *nanonood din iyong* Supreme Court. So, whatever rule we have here, that will influence din how we deal with barangay captains all the way to anyone who's not impeachable.

Representative Diokno. For unexplained wealth, Your Honor, I believe the ultimate facts must include the following: first, that the person involved amassed wealth; second, that that wealth is manifestly disproportionate to that person's lawful income. So, *kailangan po natin makita kung ano iyong kaniyang kayamanan at kailangan natin ikumpara doon sa lehitimo niyang kinita.* And that can be only determined by looking at the records that we are requesting from this Honorable Court.

Senator-Judge Cayetano (A). No. But if you're just looking at the SALN at *iyong kinita niya*—so I'll give you an example, I won't name the person *para walang mag*-react. But he was a senator, I think in 1987, an outstanding human being, and he was telling us, "*Itong lupa na 'to, nabili ko noong 1980 o 1970 na P50,000, nabenta ko noog 1990. Kaya lang, sa* SALN, *ang nakalagay kasi doon iyong* acquired cost, so *nilagay ko P50,000.* So, *kung titignan mo kami*," then he named other great senators, *et cetera, na kasabayan niya*, congressman *at dito, "Kung titingnan mo, si* senator *ganito, kami, lahat, ang* SALN *namin, baka* P5 million. *Pero iyong P100,000 na lupa na binili namin noon, baka* P5 million, P20 million, P30 million."

So, if one of those officials suddenly sold the property and then placed the money that came in—so, let's say the P100,000 property was sold for P5 million, but then, for example, *pinang*-blowout *niya sa pamilya iyong P500,000* before December 31 of that year, *mag-i*-increase *iyong kaniyang* SALN by P4.5 million. So, if you just compare his income *na suweldo niya* with that, that will not show you that he has ill-gotten wealth. So, compared *na pagka-in*-allege *ko na,*

"Ang suweldo niya P200,000. Pero bakit may bahay siya sa ganito, ganito, ganito, na wala sa SALN *niya," di ba?*

So, I agree *na sundan natin ang ebidensiya.* If the SALN is much more than what you're making, that could spark your curiosity, your suspicion, and you continue to investigate. But do you make the conclusion now and file the impeachment case that since *malayo iyong* SALN *sa* income, therefore ill-gotten *iyon*, without giving that person a way to explain before you subpoena every single document about their lives?

Representative Diokno. That's precisely why, Your Honor, they call it "unexplained wealth." *Doon po natin malalaman iyan sa mga dokumento.*

Senator-Judge Cayetano (A). I agree.

Representative Diokno. *Kung maipaliwanag—*

Senator-Judge Cayetano (A). We call it—go ahead. I'm sorry.

Representative Diokno. I'm sorry, Your Honor.

Senator-Judge Cayetano (A). Sorry. I'm the one—please continue.

Representative Diokno. *Kung, halimbawa, sa binigay n'yong* example *ay nag*-appreciate *iyong* value of the land, then I would not call that unexplained. I would call that explained wealth.

Senator-Judge Cayetano(A) Yes, but you're introducing a new concept now, unexplained wealth versus ill-gotten wealth.

I agree with you, unexplained wealth is that if you look at the SALN, *at hindi ito tumutugma, may* unexplained wealth. That's why you ask them to explain it. And then, *kapag hindi maganda iyong* explanation and *may ebidensya ka,* then, you can go against that person for ill-gotten wealth, *di ba?*

But like in certain parts here, I saw some that I would consider even without asking you evidence, but for example, *iyong mga kumpanya. Sabi dito, lugi iyong kumpanya.* So, *kung lugi iyong kumpanya, hindi makaka*-contribute *iyon sa kanyang* ill-gotten wealth, *kung meron man.* So, why are we getting all the documents about those companies? *Doon pumapasok iyong* criticism *ng iba,* is this a fishing expedition? *Kasi,* if I had five companies, and they were all making money and supposedly I only own 1% of that company, but I'm getting half of that income, I would agree with you, *i*-subpoena *lahat iyan. Tingnan natin iyong* flow niyan, *baka iyan iyong pumasok sa akin. Pero, lugi nga iyong mga kumpanya.* As an example, as an example. So, that's my point. Is it enough in the view of the Prosecution panel just to allege, *malaki iyong* SALN *mo,* bigger than your monthly *sweldo,* both of us agree, it's unexplained. But is it ill-gotten? Or do you need more allegations to show that it was ill-gotten?

Representative Diokno. Well, Your Honor, please, the decision whether wealth is unexplained or, as you said, ill-gotten is really a decision that this Honorable Court will make based on the evidence. *Ang gusto lang po namin ay mailatag ang ebidensiya sa inyong harap para kayo na mismo ang magsabi. At para malaman po iyan ay,* we have to look at the Statements of Assets, Liabilities, and Net Worth, we have to look at the lawful income reported in the ITRs, we have to look at the bank records in terms of *kung ano iyong pumasok at lumabas sa kanilang mga* accounts.

As far as the businesses are concerned, that has to do with the third sub-charge under unexplained wealth. *Iyon pong* continuing to participate in business interests despite the clear and express prohibition provided in the Constitution. We want to know whether those businesses, *iyon ba ay mga* operational *ba ito? Ito ba ay talagang sasabihin natin na nandoon iyong sinasabi na inaamin ni* Vice President *sa kanyang* SALN *na* business interest *nga niya iyon.*

Senator-Judge Cayetano (A). Yeah. I'm skipping because this is mostly questions on fishing expedition. I'll go to the Defense after this, but can you tell us the difference between "evidence" and "proof?" Layman's term or legal terms, or if you want to look it up— but how do we explain to people the difference between evidence and proof?

Representative Diokno. *Napakabigat po ng inyong tanong.*

Senator-Judge Cayetano (A). In our words *lang, para lang maintindihan.*

Representative Diokno. I will try my best, Your Honor to answer it.

In a court proceeding, whether we're speaking of an impeachment court or a regular court, the judges look at the evidence. They may never be able to know the entire truth, *kasi ang pangyayari ay nangyari dati pa po.* Essentially, a trial is really a reconstruction of something that happened before. So, it may happen in some cases that there is enough evidence to make conclusions as far as the judgment is concerned, even if the members of the court did not get to see the entire truth.

Senator-Judge Cayetano (A). Yes.

Representative Diokno. *Ang gusto po namin na maiwasan dito sa* Impeachment Court *ay meron po tayong hindi mailatag na ebidensiya sa mga mahistrado po na nandito para talaga maging buo iyong larawan nila bago kayo magpapasya.*

Senator-Judge Cayetano (A). I don't think there's any question that all of us here want *na mailatag iyong ebidensiya.* The question is, do you have the evidence or are you fishing for the evidence? And that's a question not only for you but for every single impeachment process. Not only *yung umabot dito* because myself, Senator Zubiri, Senator Chiz Escudero, then later on, Senator Villanueva, has been in the House many times during impeachments of Presidents and Chief Justices. But the reason I ask between evidence and proof is because if you have the evidence, you want the opportunity, *di ba,* to bring it here, show the relevancy, connect it to the crime, we admit it so that if it's true, then, we can convict. The opposite sides *na* will either question; *hindi* admissible or admissible *pero walang* relationship *iyan,* etc.

So, what I'm saying is that, if you're going to prove your case with no evidence, except that if you get all of that, then, *magiging* arbitrary *iyong* House of Representatives *kung sino ang gusto nilang i-*impeach, because almost any public official who's been there for a long time, you will see discrepancies in their SALN because, *unang-una, iba iyong* acquisition cost *at iba iyong* current value, *at iba rin iyong* deadline *ng* December 31, which after this, I'll ask the Defense to answer, then I'll go into the AMLA, which is different from bank accounts.

So, if/ you're/ coming to the court with evidence already, but *kinukuha mo iyong* subpoena *na iyan, di ba,* to further prove your point, I don't think, there'll be a question there. As Atty. Poa said *kanina na kung ang* BIR box *na iyan alam natin iyong laman, and dapat gamitin dito, eh di in-*allege *ninyo na. Pero kung hindi alam iyong laman,* are we fishing there if there's a tax evasion or *wala?* I don't know the answer, I'm asking you the question. You can answer it in any way/ you're comfortable in answering.

Representative Diokno. If I may briefly narrate the procedure that the House might had to undergo for/ the Articles to reach this honorable court. When the complaints were filed before the House of Representatives, the Committee on Justice was tasked not with conducting a trial, not with ferreting out all the evidence, but simply determining whether there was probable cause to proceed with the case. So, *hindi po namin hinanap iyong kabuuan ng ebidensiya dahil hindi po namin tungkulin iyon.* When we made the determination that there was sufficient probable cause to proceed with that case, then, that is what we submitted in terms of the Articles of Impeachment that reached this Honorable Court.

Ngayon, siyempre po, just like a preliminary investigation conducted by a prosecutor, *ang hawak lang po niyang ebidensiya, ang titingnan lang po niya ay kung merong* probable cause, not all the evidence yet is before that prosecutor because *wala pa pong* trial. The presentation of evidence, even the subpoena or compulsion to present evidence, will only happen when the trial takes place.

And *iyong tinutukoy po ninyong* fishing expedition, *iyon ay maaaring sabihin nating nangyari* only if the party requesting the evidence or documents *ay nagbabakasakali lang—baka may makuha tayo dito.* In our case, I have to disagree that there was any sort of fishing expedition because based on what the Committee on Justice and later the plenary of the House found was sufficient, there was enough cause to proceed with the case.

Senator-Judge Cayetano (A). I will go to probable cause. But *iyong sinabi mo, "Baka sakaling may makukuha dito."* You said, *hindi ganoon.* So, *anong makukuha natin* if we grant all the subpoenas you're requesting?

Representative Diokno. The evidentiary facts, Your Honor, that we're not yet... *hindi pa nakita ng* House *noong ang ginagawa lang po namin ay determinahin ang* probable cause.

Senator-Judge Cayetano (A). So, *nagbabakasakali din.*

Representative Diokno. *Hindi po.*

Senator-Judge Cayetano (A). No, *kasi* you said...

Representative Diokno. Because there is basis for requesting for the bank records.

Senator-Judge Cayetano (A). So, what will you see? You still don't know what you'll see.

Representative Diokno. We are basing the request for the bank records on the evidence and information provided by the Anti-Money Laundering Council, which appears to show that there were billions of pesos that went through the accounts of the Vice President during that period of time.

Senator-Judge Cayetano (A). Okay, let's go to that, with the permission of the Defense. I think you're listing down *naman.*

So, the Anti-Money Laundering Council does not deal with income—they deal with flow, right? So, *pag sinabing* billion, that doesn't mean that a certain official has billions in their account. So, meaning, if I have a million pesos deposited on January 1, and then on January 5, I take it out and put it in time deposit for one month, and one month later it comes out with 2% time deposit, *hindi na* one million *iyon*— one million in, one million out— 2 million; one million in the time deposit— 3 million, *paglabas na may* 2%, P1,002,000— 4 million *na iyon.* So, *hindi* evidentiary *iyon,* speculation *sa ikot ng pera.* Meaning, all I have to do is find someone with a bank account and give them a long enough period, and I will say that they have hundreds of millions or billions.

Representative Diokno. Precisely, Your Honor, that is why we want the bank records to be produced, because as you mentioned, the only reports submitted by the Anti-Money Laundering Council pertain to covered and suspicious transaction reports. They do not show us the exact balances that were contained in those bank accounts. And it is only the bank records that will provide that information.

Senator-Judge Cayetano (A). Agree. And when you say "suspicion" does not necessarily mean suspicion that it attached to an AMLA crime, but it could be suspicious—meaning, six months *walang gumagalaw, biglang* everyday *ngayon gumalaw, 'di ba? Iyon 'yung* part *ng* definition ng AMLA. But if you cannot connect AMLA and the bank accounts, that's precisely what the Defense and other people are saying, aren't you *nga* fishing between the three? "Fishing" means *hindi mo pa hawak,* so you're trying to get a fish. In this case, a very big fish, *'di ba?* So, *kapag sinabing hindi* fishing expedition, *meron ka nang ebidensya* but you want to prove that in court, and you need that to prove it, but you know what to prove already.

Representative Diokno. If we bring Your Honors' logic to its conclusion, that would mean that the Committee on Justice would have to conduct a full-blown trial; get all the evidence at that level so that we do not have to fish anymore when we get to this court—when that is not the contemplation of the procedure for impeachment under the Constitution.

Senator-Judge Cayetano (A). No, I won't argue with what the House—

The Presiding Officer. With the permission of the gentleman on the Floor. Senator Cayetano (A)...

Senator-Judge Cayetano (A). Last two questions.

The Presiding Officer. Thank you very much.

Senator-Judge Cayetano (A). So, Senator Escudero, myself, we were in the Estrada and Arroyo impeachment, and it's harder to impeach a president than a vice president *'di ba?* But whether it was account, *anong laman,* property, *kotse*— we did our homework. So, it's not my place to tell you—you did or not. *Kaya nga tinatanong ko, may ebidensya ba o wala?* Is it a fishing expedition or not? But as I said a while ago, I won't argue?

So, I have one last question after that, but I'll go first to the Defense in the context of

what I asked. Between those two examples, *ito* SALN *mo, ito* income *mo, malaki* SALN *mo,* we can agree it's unexplained, *kasi nga* you need to explain it further. But is it automatically ill-gotten wealth?

Mr. Poa. No, Your Honor.

Senator-Judge Cayetano (A). So, if it's not automatically ill-gotten wealth, in your view—I mean, I read this from your *ano.* Maybe you can just restate why is it a fishing expedition?

Mr. Poa. *Opo.* Your Honor, because precisely *iyon pong sinasabi nila na* unexplained wealth, they were basing it for 20 years, for one.

Pangalawa, they couldn't pinpoint, exactly, *bakit mo nasabing may* unexplained? *Alin dito sa* properties *iyong* unexplained? Third, and if I may elaborate from our memo, if you look at the Articles of Impeachment, it presupposes that the Vice President earned 30 million over a span of 20 years. Yes, they did not think about the Vice President not being in public office from 2013 to 2016. They didn't think about the income that could have, you know, been generated by being married to a lawyer who had his own law office. So, to us, it was basically a conjecture, speculation, conclusion of law and fact to say, *bigla –"Uy, may* unexplained wealth *po dito."* That's basically our point.

And then, secondly, the decision earlier, it was mentioned by distinguished opposing Counsel, decision rests upon this Court to determine *kung meron ngang* unexplained wealth. I disagree with that. The ultimate decision rests upon this Court, that is true. But the initial decision rests with the person accusing—*hindi ba? Pero nuong nag*-accuse *iyong tao sa* Saballa and Cabrera complaints, *wala man lang nakasulat po doon.*

Kanina na-mention *po iyong* "Should the Committee on Justice now conduct a full-blown trial?" No. It shouldn't. It should just evaluate the complaint. *Para nga pong piskal, parang* preliminary investigation, *kapag tayo po pumunta sa piskal at ang dala lang natin doon ay puro paratang, wala man lang* supporting document, what would the fiscal do? Dismiss the case, outright. *Iyan naman po ang totoo.*

So, that was our point to begin with, and that is why we're saying fishing expedition *ito, kasi hindi mo man lang ma*-pinpoint *kung anong* transaction *iyong sinasabi mong nag*-amass *ang* Vice President *natin. Anong taon na nag*-amass *yung* Vice President *natin ng* ill-gotten wealth or unexplained wealth? *At dahil doon, ngayon,* we're asking for records spanning 20 years both, I mean, BIR records, bank records, AMLA records—which they already have, actually, from the Committee on Justice—*pero hindi natin ma*-pinpoint *alin ba talaga dito?* We cannot specify *kung ano iyong* act, *ano iyong* omission *na ginawa niya na nakapag*-amass *siya ng* unexplained wealth.

Senator-Judge Cayetano (A). Talking about both parties, talking about the fiscal or prosecutor, actually, *binago na rin ngayon.* Probable cause, with reasonable certainty, *mako*-convict. So, meaning, you go to the fiscal's office that you point out *ano iyong* crime, *sino iyong gumawa ng* crime, and *iyong* preliminary evidence *mo* might not be enough to convict at the time, but enough to say *na, hindi lang ito "Marites."*

So, if I go to the fiscal's office or ombudsman saying this Senator has 150 million in SALN—10 years ago it was 50 million, therefore it's ill-gotten wealth, and then *wala pa akong ibang dala* except *iyong magkano suweldo dito.* I doubt the fiscal will file that case. But if I tell the fiscal that he has two cars in his SALN, but I see him using four, then I give him the opportunity, but I can subpoena the LTO. *"Nakanino ba iyong* plate number *na iyan? Baka naman sa kapatid talaga niya."*

But the last set of questions, I'll just ask it once. So, I think everyone understands *naman* the subpoena regarding the Vice President, the issue was really the dates, and how specific or *hindi.* A key to question—in corporations, do you not have to pierce the corporate veil considering there's no allegation in the Articles that these companies were used to amass ill-gotten wealth? In fact—I haven't read everything, but so far *sa binasa ko* is— *hindi kumikita itong mga kumpanya na ito.* Because there's a Supreme Court decision that if it's a joint account, *may* rights din *iyong isa.* And I don't even know if we informed all of those companies that we might subpoena their records. So, did we give them that opportunity?

Isama ko na iyong last question, Mr. Presiding Officer, and I won't follow it up. But, the question was, because a law student asked me: "Sir, *bakit dinala iyong* box *dito sa* Senate? *Bakit hindi na lang hindi nila binuksan sa* House? So *ang sagot ko sa kanila, "Ano ba turo nuong* professor *niyo?"* "Sir, *hindi naman nakalagay* 'impeachment trial'— 'in cases of impeachment.'" So, the House was actually empowered to open the box there.

So, I just want to know the position of both parties *kasi nahihiwagaan ako sa* box *na iyon— Sineal* (seal), *dinala dito, ibabalik sa inyo,* then *magsu*-subpoena *tayo*. But, *dun sa grumadweyt na iyong nagtanong sa akin nuon,* they discussed it *daw* in class— and their professor and their class, *ang* consensus is that the House could have opened it because the wording in the—sorry *ah*—is it the BIR case or the bank accounts? Bank accounts *ata, iyong* "in cases of impeachment" *iyong nakalagay doon sa* bank accounts.

The Presiding Officer. Secrecy of bank deposits.

Senator-Judge Cayetano (A). Yes. So *ang* question *niya* is— Did you do that there? Because if you did that there, *hawak niyo na ngayon, hindi na namin problema sana.*

So, two questions *lang* — do you think *nag*-comply *iyong* requirements *doon sa* companies and should we give notice to the companies? And secondly about the bank account, could you have opened it already in the House?

The Presiding Officer. Counsel for the panel of Prosecutors may respond, thereafter, Counsel for the Respondent.

Representative Diokno. Thank you.

Senator-Judge Cayetano (A). Thank you, Presiding Officer.

The Presiding Officer. And we would like to thank Senator-Judge Alan Cayetano for his interjections.

Representative Diokno. If Your Honors please, the doctrine of piercing the corporate veil applies when we are determining liability of the company or corporation involved. In this particular case, that doctrine has no application at all. We are asking for those records to be produced so that we can determine the extent of participation of the Vice President as she, herself, had admitted those business interests in her SALN's *kaya po namin hinihingi po iyon. Kasi sa tingin po namin ay wala pong aplikasyon ang* piercing the corporate veil.

Second, as far as opening the box is concerned, while it is true that under Republic Act 1405, there's no qualification that impeachment trial *lang po ang puwede.* As I understand it, it was the better judgment of the committee out of sheer discretion and prudence, not to—because at that time, we were already being bombarded with petitions left and right, seeking to restrain our proceedings. And we felt that it would be more prudent to bring the matter to this Honorable Court.

Thank you.

Mr. Poa. Your Honors.

The Presiding Officer. Counsel for the respondent.

Mr. Poa. On the first point, Your Honors, on piercing of the corporate veil. *Para sa amin, puwede lang naman* under jurisprudence *mag*-pierce *ng* corporate veil. *Ibig sabihin kasi* separate and distinct personality *ang ating mga korporasyon;* you can pierce that veil if there's an allegation of fraud. And in this case, *wala naman pong* allegation *ng* fraud.

Pangalawa, kung totoo po na talaga ang hinahanap lang po ng kagalanggalang na Prosecution, *ay* tungkol *doon sa* divestment issue, then they will not need the tax records, the bank records, or even the AMLC records of these companies, because all they need would be the GIS. The general information sheet would show you exactly the extent of the interest of the stockholders, *hindi po ba*?

Pangalawa, pagdating naman po doon sa what's our position *pagdating sa* bank secrecy and the exception in cases of impeachment, *sa aming pananaw* at the committee level, meaning Committee on Justice, *ay hindi pa po* applicable *iyong* exception *na ito*. And we are holding on to the ruling of *Marquez versus Ombudsman*, or Desierto, I believe, wherein it was said *na*

pagdating sa preliminary investigation, *hindi pa po* applicable *iyong mga* exceptions under the Bank Secrecy Act, and there has to be a pending case before such bank documents are in fact subpoenaed.

That is our position, Your Honors.

The Presiding Officer. Thank you, Counsels for the parties.

The Chair will now make a ruling, but prior to that ruling, the Chair would like to inquire very, very briefly from the Counsels.

First, for the Counsel for the Respondent, may the court know when the respondent was married to her spouse and what is the property regime governing their marriage?

Mr. Poa. Your Honor, I believe they were married—but let me just check the facts just to be sure—I think it was 2007. 2007, Your Honor. Can I get back to you on the specific date for that?

The Presiding Officer. The date would not be necessary because 2007 would mean they would be covered under the Family Code.

Mr. Poa. Yes, Your Honors.

The Presiding Officer. So, may the Chair ask, what is the property regime governing their marriage?

Mr. Poa. As far as I know, there are no property regime arrangements or a prenup. That's why, Your Honor, I would assume it would be the default property regime, which would be absolute community.

The Presiding Officer. The absolute community of property.

Thank you, Counsel.

RULING OF THE PRESIDING OFFICER

On the request for issuance of subpoenas duces tecum directed to the banking institutions and the Anti-Money Laundering Council:

The Impeachment Court will now resolve the Prosecution's renewed request for the issuance of a subpoena *duces tecum* dated July 6, 2026, directed to the concerned banking institutions and Anti-Money Laundering Council.

The Court begins with the standards governing the issuance of a *subpoena duces tecum*. These are set forth in Section 3, Rule 21 of the Rules of Court, which provides, among others that: in the case of a *subpoena duces tecum*, it shall contain a reasonable description of the books, documents, or things demanded, which must appear to the Court as *prima facie* relevant.

Settled jurisprudence has affirmed and clarified these requirements. In the 2021 case of *Republic v. Sandiganbayan*, dated 2-15-21, the Supreme Court stated, quote, "A *subpoena duces tecum* may be issued if the tests of relevancy and definiteness are satisfied. The Court must ensure that, '(1) the books, documents, or other things requested must appear prima facie relevant to the issue subject of the controversy (the test of relevancy); and, (2) such books must be reasonably described by the parties to be readily identified, the (test of definiteness).'"

In the case of *BSB Group Inc. v.Go (G.R. No. 168644)*, the Court stated that evidence is relevant when it bears such a direct relation to the fact in issue as to induce a belief in its existence or nonexistence, and when it relates to a collateral fact from which the existence or nonexistence of the principal fact may logically be inferred.

These requirements are intended to ensure that the subpoena is not used, as mentioned earlier and discussed earlier, as a tool for a fishing expedition, as held in *Apostol v. Lubingan Rafael (G.R. No. 260640)*, dated October 1, 2025.

We are also aware of the ruling of the Supreme Court in *H.G. Libanau versus Philippine*

National Oil Company, G.R. No. L-13463, quote, "A general inquisitorial examination of all the books, papers, and documents of an adversary, conducted with a view to ascertain whether something of value may or may not show up, will not be enforced."

However, after a careful examination of the records requested, the court finds that the requested documents meet the requirements set forth above. They are reasonably described, readily identifiable, *prima facie* relevant, and material to the allegations under Article 2.

This is not the first time that bank records have been examined by an impeachment trial. During the impeachment trial of former Chief Justice Corona, the Senate sitting as an impeachment court granted the prosecution's request for the production of bank records.

In granting that request, the court cited Section 2 of Republic Act No. 1405, which expressly recognizes "cases of impeachment "as an exception to the confidentiality of bank deposits and the rights to privacy of depositors.

As to the requested period from 2007 to 2021, the Defense's objection is overruled. The Respondent's invocation of what they referred to as "offenses in term," quote unquote, in their memorandum, doctrine in *Duterte versus HOR*, does not avail.

First, the documents requested under the subpoena *duces tecum* will not be used to allege additional independent impeachable offenses. The court will not allow this in adherence to the doctrine laid down in *Duterte v. HOR,* as this will violate the respondent's right to be informed of the nature and cause of the accusations against her and her rights to due process at every stage of the proceedings.

Rather, the court will only allow these records to be used to establish a factual baseline against which the respondent's assets, financial transactions, and business interests during her present term may be assessed.

Establishing such a factual baseline is recognized in settled jurisprudence involving allegations that a public officer's wealth is manifestly disproportionate to the lawful income and financial capacity of the officer and the officer's spouse.

As held by the Supreme Court in *Concerned Taxpayer v. Doblada, Jr.* dated 8 June 2005, quote, "In determining whether the properties acquired were manifestly out of proportion to the lawful income of the spouses necessarily requires comparing their value with a spouse's salaries, benefits, other lawful income, and revenues from legitimately acquired properties or businesses."

Further, in the case of *Ombudsman v. Bernardo (G.R. No.181598)*, quote, "Respondent's beginning net worth must be considered for purposes of determining whether his disposable income was more than sufficient to justify his property acquisitions and foreign travels for the covered period and whether he possesses the financial capability to acquire or purchase properties as reported in his SALNs."

Such net worth of the respondent as declared in the statement filed by him or her from the first day of his employment with a government shall be considered as his true net worth as of such date for purposes of determining his capacity for future property acquisitions during his tenure as a public officer. Any unexplained increase in his net worth thereafter may fall within the ambit of the presumption provided for in Republic Act No. 1379.

The production, therefore, of the records from 2007 to 2021 is authorized strictly for that limited purpose only. Their admissibility and evidentiary use shall remain subject to the prosecution establishing their connection to the alleged unexplained wealth during the respondent's present term in relation only to Article 2 of the Articles of Impeachment.

Now with regard to the bank records held separately by Atty. Manases Carpio and jointly by him and the Respondent, the Defense's objection is likewise overruled.

The Respondent's reliance on *Republic v. Eugenio* is unavailing. That case involved only an ordinary civil inquiry into spousal assets that were not statutorily aggregated.

On the other hand, Section 8 of Republic Act No. 6713 requires public officials to

disclose their assets, including that of their spouses. Their financial interests are therefore statutorily intertwined for purposes of disclosure.

Respondent likewise insists on the separate legal personality and distinct right to privacy of Atty. Carpio, but this is likewise untenable.

Article 75 of the Family Code explicitly provides, which is why the Presiding Officer earlier asked the property regime governing them. "In the absence of a marriage settlement or when the regime agreed upon is void, the system of absolute community of properties established in this code shall govern."

Under this regime, Article 91 dictates that "the community property shall consist of all the property owned by the spouses at the time of the celebration of marriage or acquired thereafter."

Furthermore, the Family Code imposes a strict statutory presumption under Article 93 which mandates that: "Property acquired during the marriage is presumed to belong to the community unless it is proved that it is one of those excluded therefrom."

The law is clear on the matter. The legal necessity of examining the financial records of Attorney Carpio is firmly cemented by the default property regime of absolute community of property governing his marriage to the Respondent.

Absent any proof of a different property regime governing their marriage, any funds deposited in the bank accounts of Attorney Carpio are legally presumed to form a single indivisible mass of community property jointly owned with the Respondent Vice President.

Because Philippine civil law legally merges their assets, properties, and income into a single absolute community, it is a legal and mathematical impossibility to determine the Respondent's true net worth or lawful income without examining the bank accounts of her husband. Investigating Mr. Carpio's financial records is therefore not an unwarded intrusion into a third party's privacy, but an absolute legal prerequisite in determining the actual aggregated wealth of the Respondent.

The defense likewise invokes the Data Privacy Act, classifying the records as sensitive personal information requiring "strict scrutiny" citing Zoleta vs. Ombudsman. The Court, however, in Zoleta did not really use the phrase "strict scrutiny" but said "strict adherence" to the Data Privacy Act.

Accordingly, Section 16(b) of the Data Privacy Act expressly states that the right to privacy does not apply when personal information is needed pursuant to a subpoena.

Furthermore, Rule V Section 22(f) of the DPA, Data Privacy Act implementing rules expressly permits the processing of sensitive information personal information when "provided to government or public authority pursuant to a constitutional or statutory mandate" and when "necessary for the protection of lawful rights, interests... in court proceedings.

Now as to the 21 listed corporate entities and partnership, the requests are granted with respect only to 19 corporate entities and partnership. The Respondent's connection to these entities is *prima facie* shown by the General Information Sheets in the Articles of Partnership which have been pre-marked in evidence and by her admitted SALNs from 2022 to 2025. The request, therefore, is not considered a fishing expedition and subpoenas may issue for their peso-denominated accounts strictly only in relation to Article II.

However, the request directed to banking institutions concerning JTC Group of Companies and Pikimong Pikimong Philippines Corporation are denied. Their general information sheets do not identify the respondent or her spouse as shareholders. And the prosecution at this time failed to show either a direct business interest or a clear and convincing basis disregard their separate juridical personalities.

As held in *Pantranco Employees Association via NLRC (G.R. No. 170689)*, and in *Lanuza vs. BF Corporation (GR No. 174938)*, the corporate veil may not be pierced to a mere suspicion or speculation. Misuse of the corporation as an alter ego, conduit, or instrument of fraud must be clearly established. Absent such proof, these entities cannot be subjected to the compulsory process intended for another.

As to the request for subpoena against the partnership of Carpio lawyers, the same is granted with the following reservation:

In adherence to *Subido vs. Pagante Certesa Mendoza*, and Binay Law Offices vs. Court of Appeals *(G.R. No. 216914)*, the Chair notes the practical reality that an examination of a law firm's bank accounts may incidentally disclose sensitive information relating to its clients and legal engagements. The Court acknowledges that the partnership and/or the clients of Carpio lawyers may seek appropriate remedies and to challenge compliance with applicable legal requirements particularly in light of the potential legal implications including concerns relating to attorney-client privilege which may also be raised during the trial proper.

Furthermore, the Court must draw a legal firm line regarding foreign currency deposits. Foreign currency deposits are governed by Republic Act No. 6426, particularly Section 8 which recognizes only one exception to confidentiality — the written permission of the depositor.

This is also guided by the precedent arising from the 2012 Corona impeachment trial. On February 19, 2012, the Supreme Court issued a Temporary Restraining Order in *PS Bank vs. Senate Impeachment Court (G.R. No. 200238)* enjoining the Senate from opening the Chief Justice's Corona dollar accounts in the absence of a written waiver of the depositor.

Accordingly, insofar as the request covers foreign currency deposits of the respondent, her spouse, separately or jointly as well as the corporation and partnership, it is denied. Such accounts shall be excluded unless and until written consent of the respective depositors is produced.

The Court now turns to the records held by the AMLC or Anti-Money Laundering Council.

As to the request directed to the Anti-Money Laundering Council, the same are granted with respect to the respondent, her spouse, and the 19 entities and one partnership for which a *prima facie* connection has been shown through the pre-marked General Information Sheets, Articles of Partnership and the respondent's admitted SALNs. However, the requests as to JTC Group of Companies and Pikimong Pikimong Philippines Corporation are denied for failure at this stage to establish a *prima facie* link — the respondent, or her spouse, and said entities — or any sufficient basis to disregard their separate juridical personalities as previously stated.

The Defense vigorously argues that the AMLC is absolutely shielded from this Court's compulsory process by the confidentiality provisions of Section 80 of the Anti-Money Laundering Act as amended and warrants that compliance with exposed AMLC officers to criminal sanctions for breach of confidentiality.

The Court, however, finds this argument unavailing. Section 8-A regulates unauthorized and arbitrary disclosures by AMLC personnel. It does not and constitutionally cannot nullify the lawful subpoena powers of the Senate sitting as an Impeachment Court where compliance with the lawful constitutional subpoena is a justifying circumstance that if at all would extinguish any penal liability under Article 11, paragraph 6 of the Revised Penal Code for any person acting in obedience to an order issued by superior or some lawful purpose.

In the landmark case of *Republic vs. Sandiganbayan, (GR No. 2322724)*, the Supreme Court explicitly rejected the AMLC's attempt to quash a subpoena *duces tecum* ruling verbatim — "The Anti-Money Laundering Council is not merely a repository of reports and information uncovered and suspicious transactions. It was created precisely to investigate and institute charges against those suspected to commit money laundering activities. The criminal prosecution of such activities would be unduly hampered if we were to prohibit it from disclosing such information. For the Anti-Money Laundering Council to refuse disclosing the information required of it would be to go against its very function under the law."

Further, as held by the Supreme Court in *Sabio vs. Gordon (G.R. No. 174340)* by parity explained that statutory provisions on confidentiality and exemptions from inquiry cannot be invoked to deny access to information by Congress in aid of legislation.

It is, therefore, the position of this Court that if the Sandiganbayan pursuant to its subpoena powers cannot be denied AMLC records as well as the legislature in aid of legislation, it most certainly cannot be denied to the Senate sitting as an Impeachment Court.

The Defense also vehemently objects to the production of AMLC documents by pointing out to the agency's own printed footnotes which restrict the reports for "intelligence purposes only"

and explicitly state they are "not to be used as evidence in any formal proceedings." The Court, however, overrules this objection.

The admissibility and evidentiary weight of documents in an impeachment trial are determined by the Constitution, the Rules of Court, and the judgment of the Impeachment Court—not by unilateral disclaimers printed by an executive agency on its letterhead.

An administrative footnote or internal intelligence sharing protocol cannot rise to the level of a constitutional or statutory exclusionary rule. While the AMLC's internal protocols are validly designed to prevent premature leaks during ongoing investigations, they cannot legally operate to tie the hands of the Impeachment Court once the documents are lawfully subpoenaed. Because the requested Suspicious Transaction Reports and Covered Transaction Reports satisfy the rest of the threshold of *prima facie* relevance in tracing the alleged accumulation of unexplained wealth under Article II, they shall be produced.

The Defense further invokes the five-year record retention period under the AMLA regulations. The five-year period is a minimum mandatory retention requirement imposed on covered institutions. It is not an absolute prohibition against keeping or producing older records. Accordingly, let AMLC invoke this limitation in its return, which this Court shall take into account, and inform the parties thereon accordingly, should they be unable to comply with the subpoena.

As for the partnership of Carpio Lawyers, Section 1 of Republic Act No. 10365, amending Section 3[(a)(7)] of Republic Act No. 9160, treats as covered persons those—including lawyers—who manage client money or assets; manage bank,] savings, and securities accounts; organize contributions for companies; or create, operate, or manage juridical persons or arrangements. Section 2(c) of AMLC Regulatory Issuance B, No. 1 Series of 2018, adopted on May 10, 2018, and filed on June 13, 2018, expressly reiterates this activity-based rule.

The Court recognizes the statutory exception for lawyers acting as independent legal professionals where the information concerns their clients or disclosure would compromise client confidences or the attorney-client relationship. Absent any showing, however, that the particular records contained such information or would compromise a protected confidence, the exception cannot be invoked merely because the entity concerned is a law partnership. It protects client confidences; it does not confer blanket immunity upon every financial record bearing the law firm's name.

The request for the issuance of *subpoenas* for the identified financial records, therefore, pertaining to Carpio Lawyers, is granted, subject to the remedies in law and/or their legal right to assert a specific claim of privilege over a particular document, at the proper time. No generalized or blanket invocation of attorney-client privilege shall excuse compliance at this time.

Therefore, to summarize, the Court rules as follows: the request for *subpoenas* directed on the concerned banking institutions covering the accounts of the Respondent, Atty. Manases Carpio, separately or jointly, the partnership of Carpio Lawyers, and the 19 listed corporate entities, is granted. The banks are ordered to submit to the Clerk of Court the documents on July 30, 2026, at 9:00 a.m., with the attendance of parties' counsels.

The request in so far as it seeks the records pertaining to JTC Group of Companies and Pikimong Pikimong Philippines Corporation, is denied, for failing to establish *prima facie* relevance.

The *subpoenas* granted shall apply only to peso-denominated accounts relevant to Article II. Foreign currency deposits are excluded, absent the written consent of the respective depositors. The *subpoena* directed to the Anti-Money Laundering Council covering respondent Atty. Manases Carpio, separately and jointly with the Respondent, the partnership of Carpio Lawyers, and the 19 listed corporations and entities is granted. The request insofar as it seeks records pertaining to JTC Group of Companies and Pikimong Pikimong Philippines Corporation, is denied, for failing to establish *prima facie* relevance.

Finally, the Court is cognizant of the Supreme Court ruling in *Almonte v. Vasquez,* GR 95367, where it stated that "a governmental privilege against disclosure is recognized with respect to State secrets," and it is not amiss to state that even matters of national security have been inquired into in appropriate in camera proceedings by the Court.

Therefore, the Court, *ex abundanti ad cautela*, or out of an abundance of caution, hereby directs, in order to prevent the unwarranted exposure of sensitive AMLC methodologies and information, to submit the records strictly in camera, to the Presiding Officer through the Clerk of Court first on July 30, 2026, at 9:00 a.m., who shall review these documents privately before turning them over to the parties, as may be warranted.

The parties are directed to be represented by Counsel on the aforementioned time and date for the proper inspection, comparison, photocopying, and/or marking of these documents, as the case may be.

So ordered.

On the request for issuance of subpoenas duces tecum directed to the Commissioner of the Bureau of Internal Revenue:

On the Prosecution's request for the issuance of *subpoena* on the Bureau of Internal Revenue (BIR) records, Presiding Officer Escudero made the following ruling:

Moving on now, the Impeachment Court will now resolve the Prosecution's request for the issuance of *subpoena* dated July 6, 2026, directed to the Commissioner of Internal Revenue.

At the outset, the Presiding Officer reiterates, and adopts by reference, the Court's citation of applicable rules regarding the issuance of *subpoena duces tecum*, which forms an integral part of this Order. The foregoing standards are deemed reproduced and shall govern the Court's disposition of the present *subpoena* requests.

After examining the records sought, the Court finds that the requested documents meet the requirements set forth. They are reasonably described, readily identifiable, and *prima facie* relevant and material to the allegations under Article II. However, the Court denies the request in so far as it seeks the records of JTC Group of Companies, Philippines Inc., and Pikimong Pikimong Philippines Corporation. The Prosecution failed to establish a *prima facie* nexus between these entities to either the Respondent or to her spouse. The records sought, therefore, do not, at this time, satisfy the requirement of *prima facie* relevance under Rule 21 of the Rules of Civil Procedure.

The Court also resolves the Respondent's objection to the requested period from 2007 to 2021. They anchor their opposition on the Supreme Court's pronouncement in *Duterte v. House of Representatives* that the basis of any charge must be for impeachable acts or omissions committed in relation to their office and during the current term of the impeachable officer. The argument, as stated earlier, fails because, first, the documents requested under the *subpoena duces tecum* will not be used to allege additional impeachable offenses.

This Court will not allow it. For the same reasons discussed in the Court's earlier Order, consistent with the same jurisprudence, which are hereby adopted by reference, the Court likewise holds that the requested records are sought to establish theRespondent's financial baseline and capacity only, not to inquire into or prosecute alleged impeachable acts occurring outside the present Articles of Impeachment. Accordingly, these records are required to establish a factual baseline against which the Respondent's assets, financial transactions, and business interests during her present term may be assessed.

We are also not without precedent. During the Corona Impeachment Trial, the SALNs prior to his appointment as Chief Justice in 2010 were presented on the January 18, 2012 hearing of the Court. Likewise evidence and testimony concerning properties and transactions before his appointment as Associate Justice were presented before the Court on March 13, 2012. Therefore, the production of records from 2007 to 2021 is, therefore, allowed and authorized strictly for purposes of establishing a comparative baseline only. They shall not be used as proof of another independent impeachable offense. Their admissibility and evidentiary use shall remain subject to the Prosecution establishing their connection to the alleged unexplained wealth during the Respondent's present term.

The Defense's invocation of the Data Privacy Act is likewise unavailing. As previously stated, Section 16(b) of that law expressly states that the right to privacy does not apply when personal information is needed pursuant to a *subpoena*. Furthermore, Rule V, Section 22(f)

of its Implementing Rules expressly permits the processing of sensitive personal information when "provided to government or public authority pursuant to a Constitutional or statutory mandate" and when "necessary for the protection of lawful rights and interests...in Court proceedings."

The Court is likewise unconvinced by Respondent's argument that the issuance of the subpoena will usurp the authority of the BIR under Section 5 of the NIRC. This Court is not determining the tax deficiencies or civil liabilities, which remain within the province of the BIR. It is exercising its constitutional mandate to determine public accountability under the Articles of Impeachment. Neither does the pendency of a BIR audit suspend or limit the Senate's exclusive jurisdiction to try impeachment cases.

The Respondent invokes Section 270 of the National Internal Revenue Code to prevent the production of the requested records. The objection is overruled, in part. The Supreme Court expressly ruled in *Dipad v. Spouses Olivan*, GR 168771, that "Section 270 of the NIRC obviously does not address the confidentiality of ITRs." It merely penalizes the unauthorized disclosure of taxpayer information except as otherwise provided for by law. It does not bar the production of documents.

However, the Respondent correctly invokes Section 71, and other provisions of the NIRC, which recognizes only three instances in which a taxpayer's records may be opened for inspection: No. 1, upon the order of the President or authorization of the President; No. 2, upon the request of a foreign tax authority, with the approval of the President; or No. 3, upon the taxpayer's waiver.

Nevertheless, the existence of these statutory limitations does not, at this stage, preclude the issuance of the requested *subpoena*. The issuance of a subpoena is merely a preliminary procedural step and does not, by itself, authorize the disclosure, inspection, or admission of the requested tax records into evidence. In fact, this issuance is the order that shall set, if at all, things in motion.

Upon service, the BIR Commissioner may refuse compliance—very much like what he did with the House—or comply by invoking any of the exceptions under the NIRC as previously mentioned. Without a satisfactory showing of faithful compliance with any of the enumerated exceptions, this Court shall not receive any *subpoenaed* records from the BIR, similar to what was done with the sealed box ordered by this Court to be returned to them.

There is also a precedent during the 2012 Corona Impeachment Trial. The Senate issued a subpoena and, thereafter, awaited the return of the BIR Commissioner. The requested records were produced only after the requisite Presidential authorization had been obtained, one of the recognized exceptions under Section 71 of the NIRC.

The Respondent, however, is not without recourse nor remedy. In the event the requested tax records are lawfully produced pursuant to any of the statutory exceptions, the Respondent may, at the appropriate stage of the proceedings, raise any and all objections concerning their relevance, materiality, authenticity, admissibility, and other evidentiary infirmities. The issuance of subpoena should not be construed as a ruling on the admissibility of the documents ultimately produced.

On this basis, the subpoena shall therefore be issued, and we shall await the return of the BIR Commissioner, at which time the Court shall take such action as may be deemed necessary and appropriate.

Accordingly, in view of the foregoing, the request for the issuance of a *subpoena* directed to Commissioner Charlito Martin R. Mendoza of the BIR is hereby granted. The request insofar as it seeks the records pertaining to JTC Group of Companies Philippines, Inc., and Pikimong Pikimong Philippines Corporation is hereby denied, for failure to satisfy the requirement of prima facie evidence.

The Commissioner is directed to make the appropriate return to this Court in accordance with the law on July 30, 2026, at 9:00 a.m., before the Clerk of Court. The Court shall await the return before taking any further action, as may be warranted. The parties are likewise directed to be represented by counsel on the aforementioned time and date for inspection, comparison, photocopying, and/or marking, as the case may be.

So, ordered.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

Senator-Judge Cayetano (A) thanked Presiding Officer Escudero for the comprehensive ruling, noting that both matters had already been thoroughly discussed during the caucus and proceedings. While acknowledging that only two motions were under consideration, he stated that he agreed with certain portions of the ruling but disagreed with others. By way of example, he expressed support for the issuance of subpoenas covering records from 2022 to 2026 and for obtaining the Know Your Client opening balance as a reference point. Rather than formally objecting during the trial, he proposed submitting a written manifestation identifying the portions of the ruling with which he agreed or disagreed, and suggested that other senator-judges could do the same, if they so wished.

He then sought clarification on the scope of the requested subpoenas, particularly (1) the phrases "including but not limited to" on page 2 of the request to the BIR for "all records filed with, submitted to, or maintained by the BIR for taxable year 2007 to 2025," and (2) "and all other relevant documents" found in page 4 of the request to the AMLC. He asked if the Presiding Officer's narration was intended to be exclusive, arguing that such catch-all phrases lacked the specificity required for a definite subpoena.

Presiding Officer Escudero replied that, although such language is commonly used by lawyers, the Court's interpretation would be limited to the documents specifically identified in the requests. He said the catch-all provisions would therefore be excluded, as the concerned agencies would otherwise be unable to determine which documents to produce. Senator-Judge Cayetano (A) thanked the Presiding Officer and reiterated that he would submit a written manifestation identifying the portions of the ruling which he agreed or disagreed with.

REMARKS OF THE PRESIDING OFFICER

Presiding Officer Escudero granted Senator-Judge Cayetano (A) permission to submit a written explanation regarding the two rulings and extended the same opportunity to any other Senator-Judge who wished to do so.

After Senator–Judges Marcos and Legarda indicated their intention to participate, Senator–Judge Marcos sought clarification on whether they should make oral manifestations or just submit their positions in writing. Presiding Officer Escudero directed that Senator-Judges' manifestations be submitted in writing.

He likewise noted Senator-Judge Villar (C)'s intention to submit a written explanation and ordered that all such submissions be accepted and made part of the *Record.*

EXPLANATIONS OF SENATOR-JUDGES ON THE RULING OF THE PRESIDING OFFICER

By Senator-Judge Padilla

Explaining his stance on the ruling of the Presiding Officer, Senator-Judge Padilla delivered the following speech:

> *Matagal ko na pong isinusulong ang* Freedom of Information *dahil ito po ay bumagsak sa aking komite. Ito po ay tunay na kailangan natin sapagkat dito po talaga natin mapapatunayan iyong sinasabi nating* "public trust." *Pero mayroon din po kasing napakahalaga—'yung tinatawag na* "equal protection of the laws."
>
> *Sang-ayon po sa Artikulo III, Seksyon 1 ng ating Konstitusyon,* Bill of Rights, *ang nagsasabing hindi dapat alisan ng buhay, kalayaan, o ari-arian ang sinumang tao nang hindi*

kaparaanan ng batas. Ni pagkaitan ang sinumang tao ng pantay na pangangalaga ng batas. Ang mga pamantayang ginagamit natin ngayon ay dapat pareho ring ipinatutupad sa lahat ng impeachable officials, *anuman ang kanilang pangalan o posisyon.*

Hindi ko po makakalimutan ang naging pahayag ng dating Senadora Miriam Santiago, dito mismo. Siya po ay isang huwes at ginagalang na propesora ng batas. Ang sabi niya, "Constitutional analysis is a technical field." *Ang pagsusuri sa Konstitusyon ay hindi isang sining; isa itong teknikal na larangan. Hindi po dapat ito ini-*interpret *nang basta-basta, o kailangan may* due process.

Noong una ko pong narinig kanina, naipaliwanag po ng ating Senator-Judge Alan Peter Cayetano, *tinanong sa Prosekusyon kung ganito rin ba ang ginawa nila noong may* impeachment *kay Presidente Bongbong Marcos. Napakalinaw po na ang sagot nila ay hindi naman sila nagtanong, hindi sila nagsaliksik kung paanong ginagawa nila ngayon sa Pangalawang Pangulo. Ang akin po lamang: makatarungan ba na hindi parehas ang trato natin dito? Dapat sana parehas.*

Kaya po ang hinihiling ko sa atin, tutal naman, lahat naman kayo ay sumang-ayon na sa Freedom of Information Bill *ko—hindi pa nga lang nagsa-*submit *ang* House of Representatives—*bakit kung ganito ang pamantayan natin, eh 'di buksan na natin lahat ng* bank records *natin? Lahat na. Tayong lahat ay buksan na natin lahat, para maipakita sa taumbayan na wala tayong kinikilingan dito. Ito ay oras na para samantalahin natin ang pagkakataong ito na ipasa iyong* FOI. *Kasi kung ganito na parang meron tayong tinititigan sa tinitingnan, hindi maganda ito para sa taumbayan. Tandaan po natin, pantay-pantay tayo sa harap ng Diyos at ng batas.*

At hinihiling ko po sa inyo na ilagay sa record *ang aking pagtutol sa* ruling *na ito.*

By Senator-Judge Legarda

Pursuant to Senator-Judge Legarda's manifestation, following is her explanation on the ruling of the Presiding Officer:

We are deciding today whether certain financial records should be compelled for production under Article II and not whether the allegations therein have been proven.

The Prosecution argues that the requested bank, AMLC, and tax records of the Vice President as far back as 2006 or 2007 may be relevant. The Defense contends that the requests, as presently framed, are too broad as they cover nearly two decades and for almost every category of financial record.

Under *Duterte v. House of Representatives*, the impeachable act or omission must relate to the Respondent's current term as Vice President. Our subpoena power must remain tied to the Articles before us. The records sought must therefore be relevant, material, and specific.

While impeachment proceedings are *sui generis* and should not be hindered by undue technicality, the fundamental principles of fairness, due process, and the careful exercise of the Court's subpoena power must remain fully observed.

For these reasons, I vote to grant the requests in part, and deny them in part. Applying the legal reasoning of the Supreme Court, the inquiry should principally cover records from 30 June 2022 onward, corresponding to the period during which Sara Duterte has held the impeachable office of Vice President.

Subpoenas should issue only for specifically identified records materially connected to Article II and to the Respondent's current term, subject to applicable confidentiality laws and appropriate safeguards.

By Senator-Judge Go

Pursuant to the manifestation of the Presiding Officer that any Senator-Judge may submit their explanation on his ruling, following is the submission of Senator-Judge Go:

We respect the ruling of the Presiding Officer and acknowledge the rule of the majority. I am all for accountability. I am all for the truth. Nevertheless, I would just like to put on record my position that we must respect due process.

Mahalaga po na malaman ang katotohanan. Kasama niyo ako dyan. Ngunit ang paghahanap sa katotohanan ay hindi maaaring lumampas sa itinakdang proseso ng ating mga batas. Dapat nating irespeto ang due process *at ang karapatan din ng nasasakdal. Dapat alamin natin ang katotohanan sa tamang paraan.*

A subpoena has to meet the tests of relevance, definiteness, and proportionality. A subpoena reaching fifteen years before assumption of office, offered as mere "baseline," risks converting this proceeding into a wide-ranging inquiry into a lifetime of financial history rather than a focused inquiry into fitness for the office currently held.

Partikular na dito, Mr. Presiding Officer, *may mga panahon*, specifically July 2013 to June 2016, *na wala si* Vice President Duterte *sa* public service. *Si* VP Sara *po ay walang position sa gobyerno noong mga panahon na iyon at isang pribadong indibidwal. Isa naman siyang abogada at mayroon silang* law office. *Maaaring noong mga panahon na iyon sa* private sector *nagkaroon siya ng pagkakataong kumita at makapag-ipon.*

Dapat po ang tinitingnan natin ay ang kanyang fitness *para sa posisyon na hawak niya ngayon, hindi ang halos buong buhay niya. May pahiwatig din ang Korte Suprema sa Duterte v. House of Representatives* (G.R. Nos. 278353 & 278359) *tungkol sa isyung ito ng* timeline — *hindi po natin puwedeng balewalain iyon.*

While there is an exception provided in Republic Act No.1405 or the Bank Secrecy Law for impeachment cases, the request for subpoena before us is too broad. *Parang "kunin lahat, tignan kung may lalabas" — walang* specific *na* account o transaction. *Ang* subpoena *ay dapat nakatuon at may tinutumbok, hindi nangangapa o nanghuhula.*

Ang aking posisyon ay hindi laban sa paghahanap ng katotohanan. Ang gusto ko lang po ay mahanap ang katotohanan sa paraang naaayon sa Konstitusyon at sa batas.

By Senator-Judge Marcos

Pursuant to Senator-Judge Marcos's manifestation, following is her explanation on the ruling of the Presiding Officer:

To establish that Vice President Sara Duterte amassed unexplained wealth manifestly disproportionate to her lawful income, it must be shown that: 1) she accumulated wealth; and 2) such wealth cannot be traced to lawful sources.

The requested bank records may help establish accumulated wealth, if any. Since Republic Act No. 1405 expressly includes impeachment among the exceptions to bank-deposit confidentiality, subpoenas for such records may be legally tenable under proper circumstances.

BIR records may likewise show whether any increase in wealth is supported by declared income or other lawful sources. Although tax laws contain no express impeachment exception, I opine that Section 71 of the NIRC permits the examination of tax records for an impeachment trial when authorized by the President. Under appropriate circumstances, I would therefore have voted to subpoena them.

I take a different view of the AMLC documents. I am not persuaded that the Impeachment Court is exempt from the strict confidentiality requirements of the Anti-Money Laundering Act, particularly after its amendment by Republic Act No. 11521. I therefore oppose a subpoena for AMLC records.

My vehement disagreement, however, concerns the disregard of the clear guidelines laid down by the Supreme Court in Duterte v. House of Representatives (G.R. No. 278353).

Malinaw ang pinal na desisyon ng Korte Suprema na ang mga paratang sa isang kaso ng

impeachment ay dapat tumukoy lamang sa mga kilos na may kaugnay sa kasalukuyang terminong pinaglilingkuran ng isang opisyal.

This pronouncement is not mere obiter dictum. Wholly untenable is the argument that it applies only when impeachment is initiated by at least one-third of all House Members. The mode of initiation does not alter the acts that may be charged or the period relevant to them.

Significantly, this pronouncement appears both near the beginning of the Court's Decision dated July 25, 2025 and in its summation before the dispositive portion. The Court reiterated the same principle twice in its Resolution dated January 29, 2026.

Let me be clear: this Court may try impeachable offenses—and only impeachable offenses. It has no jurisdiction to adjudge non-impeachable offenses, however grave. To do so would usurp powers belonging to the Judiciary, a co-equal branch of Government.

Nagsimula ang termino ng bise president noong Hunyo 30, 2022. Ang mga sinabing ginawa bago ang petsang ito ay hindi maaaring maging paksa ng impeachment laban sa kanya bilang bise presidente. Anumang alegasyon ng hindi mapaliwanag na yaman na umano'y naipon bago ang Hunyo 30, 2022 ay wala sa saklaw ng paglilitis sa impeachment. Kung may usapin tungkol sa mga naipong ari-arian bago ang kanyang panunungkulan bilang bise president, ang nararapat na forum para rito ay ang mga regular na hukuman at hindi ang Impeachment Court.

Some may argue that financial records dating to 2007 are sought merely to establish a "baseline" for determining whether wealth was unexplainedly accumulated. This is mistaken. Since Vice President Sara became an impeachable officer only on June 30, 2022, the relevant baseline is her wealth as of that date.

Moreover, the Prosecution may not be seeking nearly two decades of records solely to establish a baseline. The Articles of Impeachment show that the Respondent is accused of accumulating unexplained wealth not only as Vice President, but throughout her tenure as a public official.

The Prosecution thus seeks, at least in part, to have this Court adjudicate acts that are not impeachable offenses and lie beyond its jurisdiction.

Ang pagdinig sa mga alegasyong wala sa saklaw ng kasalukuyang termino ng bise president ay paglabag sa itinakdang hurisdiksyon ng Impeachment Court. Ang mga hinihinging subpoena ng prosekusyon ay labis ang saklaw at tahasang taliwas sa malinaw na mga alituntunin ng Korte Suprema.

This Court cannot perform its constitutional duty while disregarding the Constitution from which that duty arises. We cannot ignore the ruling of its final arbiter of the Constitution and render meaningless the safeguards of our fundamental law. To do so would constitute grave abuse of discretion amounting to lack or excess of constitutional jurisdiction.

For these reasons, I find the requested subpoenas overbroad and vote to deny the motions for their issuance.

By Senator-Judge Villar (C)

Pursuant to Senator-Judge Villar (C)'s manifestation, following is her explanation on the ruling of the Presiding Officer:

I respectfully manifest my reservation on the ruling of the Impeachment Court.

I firmly support transparency and accountability. But at the same time, walang sinuman ang dapat mawalan ng mga proteksyong ginagarantiyahan ng ating Konstitusyon.

As Senator-Judges, the rulings we make today will guide not only this proceeding but may also shape future impeachment trials. *Kaya mahalagang ang bawat desisyon natin ay laging nakaangkla sa Konstitusyon, sa batas, at sa* due process.

The power of the Impeachment Court to compel the production of evidence is not absolute. It must always be exercised with restraint, within the limits set by the Constitution and existing laws.

With that, allow me to briefly raise some of the concerns that form the basis of my reservation.

Consistent with the Supreme Court's ruling in *Duterte v. House of Representatives,* the records to be produced must be confined to the impeachable officer's term. While I agree that the Impeachment Court has the power to issue the subpoena, my reservation rests on requiring the production of records spanning nearly two decades, absent a clear showing of their direct relevance to the matters before this Court.

We must preserve the integrity of public records, confidence in the banking system, and the assurance that confidential information will be protected.

The safeguards we uphold today are not only for the parties before this Court. They protect every Filipino and preserve the integrity of our institutions.

By Senator-Judge Villanueva

Pursuant to Senator-Judge Villanueva's manifestation, following is her explanation on the ruling of the Presiding Officer:

For the Impeachment Court's record, we respectfully manifest our support for the Presiding Officer's ruling.

This Representation believes it is important to keep in mind the procedural question that is before the Court today. *Sa aking pag-unawa po, ang isyu sa ngayon ay hindi pa kung ang mga dokumentong hinihingi ay* admissible, *kapani-paniwala, o kung* anong probative value *ang dapat ibigay sa mga ito.*

Ang tanong lamang ay kung dapat bang payagan ng Impeachment Court *ang kanilang production sa pamamagitan ng subpoena.*

The issuance of a subpoena merely compels the production of potentially relevant documents. By itself, it does not resolve questions of admissibility, privilege, confidentiality, relevance, or evidentiary weight. Those issues remain within the authority of this Impeachment Court after the parties have been fully heard.

Mahalaga rin pong linawin na ang pag-iisyu ng subpoena ay hindi nangangahulugan na ang anumang dokumentong makukuha ay awtomatikong magiging bahagi ng ebidensya sa kasong ito, lalong hindi na ito ay awtomatikong admissible *o bibigyan ng* evidentiary weight *ng* Impeachment Court.

Ang ginagawa lamang po ng subpoena *ay bigyan ang* Impeachment Court *ng pagkakataong magkaroon ng access sa mga dokumentong maaaring may kaugnayan sa mga isyung nasa harap nito.* Nothing in the issuance of a subpoena prejudges the rights of either party. Each party remains free to raise the appropriate objections, and the admissibility, relevance, confidentiality, privilege, and evidentiary value of any document will ultimately be determined by this Impeachment Court.

This Representation likewise recognizes that the Respondent's objection is directed at the compulsory production of confidential records. However, if it is likewise the Respondent's position that her assets, liabilities, and financial transactions are lawful and properly accounted for, then the production of those records may likewise afford her the opportunity to objectively establish those facts before this Impeachment Court.

Viewed from that perspective, the subpoena should not be seen as favoring either the Prosecution or the Respondent. Rather, it simply preserves the ability of this Impeachment Court to determine, at the proper time and after hearing both parties, whether any of the requested documents should ultimately be admitted into evidence and what weight, if any, should be accorded to them.

For these reasons, this Representation respectfully manifests its support for the issuance of the requested subpoenas, without prejudice to this Impeachment Court's subsequent determination of the admissibility, confidentiality, privilege, relevance, and evidentiary value of any records that may ultimately be produced.

Maraming salamat po, May God guide this Impeachment Court in the faithful discharge of its constitutional duty.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (P)

On the period covered by the subpoenas, Senator–Judge Cayetano (P) noted that the requested dates covered records from 2007 to 2026, whereas the period relevant to the proceedings covered Vice President Duterte's term from 2022 to 2026. She acknowledged the jurisprudence cited by the Prosecution and relied upon by Presiding Officer Escudero, which recognized that earlier records may be examined to establish a financial baseline.

Nevertheless, in the interest of protecting the rights of the person on trial, Senator-Judge Cayetano (P) expressed that view that the inquiry could have initially been limited to records from 2022 to 2026. She reasoned that if those records alone already revealed unexplained matters during the relevant period, there might have been no need to examine earlier financial records. She viewed this as a reasonable middle ground that would respect the rights of persons brought before the Impeachment Court, while ultimately submitting to the Presiding Officer's ruling.

TRANSFER OF MARKINGS AND COMPARISON OF VIDEO EXHIBITS

Presiding Officer Escudero stated that the Court has received the Prosecution's Motion to Set a Conference for the Transfer of Markings and Comparison of Video Exhibits. As the motion was received on Friday, July 17, 2026, he mentioned that the Court was unable to act upon the dates requested therein. Relative thereto, he said that the Court has set the conference the following day, July 21, 2026 at 9:00 a.m. and that due notice was being given to both parties for the purpose.

LETTER OF MANIFESTATION OF SENATOR-JUDGE MARCOLETA

Presiding Officer Escudero informed the Court that he and the Senate President had received a letter of manifestation from Senator–Judge Marcoleta requesting that he be allowed to vote, citing a rule adopted during the Impeachment Trial of President Estrada allowing a senator who was unable to vote due to unavoidable circumstances to cast a vote on any matter before the Court. As the Senate would resume its regular legislative functions the following week, he stated that the matter would be referred to the Senate in its legislative capacity, as any amendment to the Impeachment Rules allowing a Senator-Judge to participate in voting despite unavoidable circumstances falls within the Senate's authority.

The Presiding Officer nevertheless placed on record his personal inclination to support Senator–Judge Marcoleta's proposal, provided that the latter's absence was not due to a suspension.

MANIFESTATION OF SENATOR-JUDGE CAYETANO (A)

While expressing no objection, Senator-Judge Cayetano (A) informed the Body that Senator Estrada had elevated to the Supreme Court the Sandiganbayan's denial of his request to attend the proceedings.

He likewise reiterated his earlier manifestation that, acting as a Court, the Senate could communicate with the Sandiganbayan regarding the matter and suggested that the issue be taken

up in caucus when the Senate reconvenes. The Presiding Officer acknowledged the observation and stated that the matter would be addressed at the appropriate time.

REMARKS OF THE PRESIDING OFFICER

In relation to the manifestation of Senator-Judge Padilla, Presiding Officer Escudero noted that a pending bill would require all public officials filing their Statements of Assets, Liabilities, and Net Worth (SALNs) to execute a waiver in favor of the relevant government agencies, separate from the pending Freedom of Information (FOI) Bill authored by Senator Padilla.

REQUEST OF THE PRESIDING OFFICER

The Presiding Officer then requested the Prosecution to identify its intended witnesses for the hearings scheduled the following day and Wednesday.

MANIFESTATION OF THE PROSECUTION

Representative Luistro informed the Body that the Prosecution intended to present Director Atty. Melvin Matibag of the National Bureau of Investigation (NBI) on the following day's hearing and Ms. Marivic Pareja of the Legislative Archive Office of the House of Representatives (HOR) on Wednesday. In response to the Presiding Officer's inquiry, she further stated that the two Land Bank officials would also be presented after Ms. Pareja on Wednesday.

The Presiding Officer recalled that the Court had issued *subpoenas ad testificandum* directing the two bank officials to appear on both Tuesday and Wednesday. With the Prosecution's concurrence, he clarified that, for convenience, the two officials could appear only on Wednesday notwithstanding the subpoena's requirement for their attendance on both days.

The Presiding Officer clarified that Director Matibag will appear on Tuesday, while Ms. Pareja and the two Land Bank officials will appear on Wednesday.

REQUESTS OF COUNSEL FOR THE RESPONDENT

Atty. Sheila Sison, Counsel for the Respondent, raised two administrative matters. First, regarding the Motion to Set Conference for the Transfer of Marking and Comparison of Video Exhibits, she requested that the Respondent likewise be permitted to mark additional documentary exhibits during the conference scheduled for 9:00 a.m. the following day, including copies of some of the items listed in the motion, under the same conditions as the Prosecution.

The Presiding Officer granted the request and ruled that the Respondent, under the same conditions as the Prosecution, could mark, revise, or otherwise make any necessary markings on documentary or other evidence to facilitate the trial.

Attorney Sison further noted that the additional marking of evidence and any transfer of markings to be undertaken by the Prosecution the following day would be without prejudice to Section 3 of Administrative Matter No. 2026-001 of the Impeachment Court, or the Guidelines for the Conduct of the Pretrial Conference, which explicitly provides that such marking is without prejudice to any question regarding admissibility, relevance, and related matters. The Presiding Officer affirmed this understanding.

Second, Attorney Sison requested a certified true copy of the Court's earlier ruling on the two motions for the issuance of subpoenas. The Presiding Officer stated that the ruling would be reflected in the *Journal*, subject to the submission of written manifestations by any Senator-Judge

who wished to express agreement or disagreement with the ruling. He added that, although the *Journal* might not be approved the following day, every effort would be made to approve it at the earliest opportunity, after which it would be made available. He further stated that the Transcript of Stenographic Notes (TSN) might be available the following day.

MANIFESTATION OF REPRESENTATIVE LUISTRO

Cognizant of the limitation raised by Senator-Judge Cayetano (A) during the previous week's proceedings regarding the order of presentation of witnesses, Representative Luistro stated that the Prosecution would proceed with the presentation of NBI Director Matibag on July 21, followed by the two Land Bank branch managers, Ms. Violeta Constantino of the Shaw Branch and Ms. Nenita Camposano of the DepEd Branch. She added that the Prosecution would determine the appropriate time for presenting the Legislative Archive Officer.

The Presiding Officer stated that the subpoenas *ad testificandum* remained in effect and required the appearance of the two bank officials on July 21 and 22.

Representative Luistro confirmed the Prosecution's conformity, which the Presiding Officer noted.

ADJOURNMENT OF THE IMPEACHMENT TRIAL

The Presiding Officer declared the impeachment trial adjourned until two o'clock in the afternoon of Tuesday, July 21, 2026.

It was 5:51 p.m.

I hereby certify to the correctness of the foregoing.

Atty. RENATO N. BANTUG JR.
Clerk of Court

Approved on July 21, 2026